



# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV

*(18th August to 5th September 1927)*

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**FIRST SESSION**

OF THE

**THIRD LEGISLATIVE ASSEMBLY,**

**1927**



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CENTRAL PUBLICATION BRANCH

1928

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# Legislative Assembly.

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THE HONOURABLE MR. V. J. PATEL.

## *Deputy President :*

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LIEUT.-COLONEL H. A. J. GIDNEY, M.L.A.

MR. C. DURAISWAMY AYYANGAR, M.L.A.





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THE  
LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE FIRST SESSION OF THE THIRD  
LEGISLATIVE ASSEMBLY)

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VOLUME IV—1927

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LEGISLATIVE ASSEMBLY.

*Thursday, 18th August, 1927.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President in the Chair.

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MEMBERS SWORN :

The Honourable Sir George Rainy, K.C.I.E., C.I.E. (Member for  
Commerce and Railways) ; the Honourable Mr. James Crerar, C.S.I., C.I.E.  
(Home Member) ; Mr. William Alexander, M.L.A. (Madras : European) ;  
Mr. Satyendra Chandra Mitra, M.L.A. (Chittagong and Rajshahi Divisions :  
Non-Muhammadan Rural) (*Cries of "Bande Mataram"* from the  
Swarajist Benches) ; Mr. Abdul Qadir Siddiqi, M.L.A. (Central  
Provinces : Muhammadan) ; Mr. Satya Charan Mukherjee, M.L.A.  
(Bengal : Nominated Non-Official) ; Mr. Muhammad Yamin Khan, M.L.A.  
(United Provinces : Nominated Non-Official) ; Mr. Ardeshir Rustomji  
Dalal, M.L.A. (Secretary. Education, Health and Lands) ; Mr. Wilfrid  
Thomas Mermoud Wright, C.I.E., M.L.A. (Secretary. Legislative Depart-  
ment) ; Sir Denys de Saumarez Bray, K.C.I.E., C.S.I., C.B.E., M.L.A.  
(Foreign Secretary) ; Mr. Hubert Arthur Sams, C.I.E., M.L.A. (Director  
General of Posts and Telegraphs) ; Mr. Girja Shankar Bajpai, C.I.E.,  
C.B.E., M.L.A. (Department of Education, Health and Lands : Nominated  
Official) ; Mr. R. H. Courtenay, M.L.A. (Madras : Nominated Official) ;  
Mr. Richard Thomas Francis Kirk, M.L.A. (Bombay : Nominated Official) ;  
Mr. Percy Barnes Haigh, M.L.A. (Bombay : Nominated Official) ;  
Mr. Miles Irving, C.I.E., O.B.E., M.L.A. (Punjab : Nominated Official) ;  
Mr. Richard Marsh Crofton, M.L.A. (Central Provinces : Nominated  
Official) ; and Mr. William Alexander Cosgrave, M.L.A. (Assam :  
Nominated Official).

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QUESTIONS AND ANSWERS.

EXPERIMENTAL CREW SYSTEM ON THE EAST INDIAN RAILWAY.

1. \*Mr. Amar Nath Dutt : (a) Have the Government decided to  
institute an experimental crew system on the East Indian Railway to  
prevent the public from travelling without tickets ?

(2969)

(b) Is it a fact that an officer has already been appointed to recruit staff for the purpose ? If so, will the Government give the name of the officer appointed for the purpose ?

(c) What is the number of crew inspectors and crew subordinates already recruited and to what community do they belong ?

(d) What is the total strength of the crew contemplated ?

(e) How many cases of assault have been reported against the crews ?

(f) Was there any death due to the pushing of a woman from a running train at Burdwan, East Indian Railway ? Has the crew guilty of pushing resulting in the death of the woman been found out and prosecuted ?

(g) What is the educational qualification required of those recruited to the crews and to what provinces do they belong ?

(h) Are Government aware that the crew system is condemned by the general public ? If so, do the Government propose to discontinue the same ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) The answer to the first part of the question is in the negative ; the second part does not arise.

(c) & (d). A statement showing the sanctioned strength of the crew staff for the Howrah, Lucknow and a portion of the Asansol Division on which the crew system has been introduced, together with information as to number of ticket collectors' appointments brought under reduction, is being sent separately to the Honourable Member.

Government have no information as to the various communities to which the members of the crew system belong.

(e) Government have received copies of two such reports and have been informed of three court cases of this nature instituted against members of the crew.

(f) A report to this effect was made but the Government understand that it was found to be untrue.

(g) The recruitment of the crews is in the hands of the Agent, East Indian Railway, and Government do not know what educational qualifications are required nor the provinces to which members of the crew belong.

(h) The answer to both parts of the question is in the negative.

**Mr. Amar Nath Dutt :** As regards (f) may I inquire where did the Government get the information from ? Was it from the Railway Police ?

**Mr. A. A. L. Parsons :** From the Agent of the East Indian Railway.

**Pandit Hirday Nath Kunzru :** May I ask if Government will find out from the Agent what the educational qualifications of the men recruited are ?

**Mr. A. A. L. Parsons :** I don't think any educational qualifications have been definitely laid down.

**Pandit Hirday Nath Kunzru :** Are they likely to be laid down soon ?

**Mr. A. A. L. Parsons :** Not at present.

**Pandit Hirday Nath Kunzru :** Are the Government aware that in the Oudh and Rohilkhand Railway sections of the East Indian Railway there are serious complaints against men recently recruited because of their improper behaviour towards the travelling public, particularly the third class travelling public ?

**Mr. A. A. L. Parsons :** No, Sir.

**Pandit Hirday Nath Kunzru :** Will Government inquire ?

**Mr. A. A. L. Parsons :** If the Honourable Member can give me information which justifies my making an inquiry, I am perfectly prepared to do so.

**Pandit Hirday Nath Kunzru :** May I point out, Sir, that I have made as definite a statement as possible. I cannot be expected to find out the names of the actual offenders.

**Mr. President :** Order, order. Will the Honourable Member put a supplementary question.

#### DEFECTIVE CONSTRUCTION OF THE COUNCIL CHAMBERS AT NEW DELHI.

2. **Mr. B. Das :** (a) Are Government aware that the defective construction of the Council Chambers at New Delhi has already brought lateral cracks along the arched roofs of the corridors on both floors ?

(b) Will Government be pleased to state if the Consulting Engineers and Architects of the Council Chambers at New Delhi took into consideration the likelihood of the appearance of cracks through defective design or defective construction or other causes and did they provide sufficient safeguards to avoid such cracks ?

(c) Will Government be pleased to lay on the table a statement showing the provision made by the Consulting Engineers and Architects in their initial design ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) & (b) Government are not aware of any cracks due to defective construction or defective design. Some cracks are inevitable in a building of this size which is founded on a variable foundation, partly of rock and partly of clay, and subjected to such wide variations of temperature and humidity as in New Delhi. Government are informed that such cracks as exist are not a matter of serious concern, and that it is not possible to provide sufficient safeguard to avoid such cracks.

(c) Does not arise.

**Maulvi Muhammad Yakub :** Will the Government be pleased to state if there are any cracks in the Delhi Jumma Musjid or the old Fort at Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** I have no information, Sir.

**Maulvi Muhammad Yakub :** Will the Government be pleased to collect the information and inform the House ?

**The Honourable Sir Bhupendra Nath Mitra :** I shall try to get the information and send it on to the Honourable Member.



**Mr. Gaya Prasad Singh :** Why not place it on the table ?

**Mr. A. Rangaswami Iyengar :** May I know, Sir, what exactly has been done to the dome of the Assembly which caused so much risk of injury ?

**The Honourable Sir Bhupendra Nath Mitra :** Sir, there is another question on that point. If the Honourable Member will wait he will get the answer to his question.

**Sir Hari Singh Gour :** May I beg to inquire if the Honourable Member is aware of any cracks in the old temporary Secretariat in Delhi where the Assembly Chamber used to be before it was shifted to the Imperial Capital.

**The Honourable Sir Bhupendra Nath Mitra :** I am pretty sure there are cracks in that building. I have myself noticed it.

**Mr. N. M. Joshi :** May I ask, Sir, in view of the fact that these cracks are due to variations in the temperature, whether the Government of India will make arrangements for taking the temperature of this House from hour to hour ?

#### SAFETY OF THE CEILING OF THE ASSEMBLY CHAMBER AT NEW DELHI.

3. **\*Mr. B. Das :** Are Government prepared to invite an independent committee of Consulting Engineers to give their opinion on :

(a) the safety of the ceiling of the Assembly Chamber at New Delhi, and

(b) on the defective construction leading to cracks all along the roof of the arched corridors ?

**The Honourable Sir Bhupendra Nath Mitra :** Government do not consider the action suggested to be necessary.

#### REPORTS OF THE DIRECTOR OF WAGON INTERCHANGE.

4. **\*Mr. A. Rangaswami Iyengar :** (a) Will the Government be pleased to state if the wagon exchange officer makes any reports to the Railway Board and whether these reports are made every three months or every year ?

(b) Will the Government be pleased to lay the reports made by this officer for the last two years on the table ?

**Mr. A. A. L. Parsons :** (a) The Director of Wagon Interchange is an officer of the Indian Railway Conference Association and makes no direct reports to the Railway Board, but copies of the following reports prepared by him are received by the Railway Board :

*Annually—*

(i) Working of the wagon pool.

(ii) Wagon census.

*Weekly—*

(i) Wagon position.

(ii) Traffic report.

(b) These are purely departmental reports but copies will be shown to the Honourable Member if he will call at the Railway Board's office for the purpose.

**PURCHASE BY GOVERNMENT OF THE WORKS OF THE PENINSULAR LOCOMOTIVE COMPANY.**

5. \*Mr. A. Rangaswami Iyengar : (a) Will the Government be pleased to state whether on account of the wagon surplus they have made an offer to purchase the works of the Peninsular Locomotive Company ?

(b) Has the Company expressed a desire for the price to be fixed by independent valuation ?

(c) Have Government rejected the offer of an independent valuation and if so, why ?

**The Honourable Sir George Rainy :** (a) Yes. When last autumn the Government of India became aware that they would not be able to place orders for the supply in 1927-28, and probably in 1928-29, or possibly for some years thereafter, of broad gauge general service wagons—the types of wagon which Indian firms had been manufacturing under the bounty scheme introduced on the passing of the Steel Industry (Protection) Act—they immediately placed the position before representatives of the firms concerned, and discussed with them what measures should be adopted to help them to tide over an admittedly difficult period. As a result of these discussions they made the firms the offer which is described in paragraphs 6 and 7 of a memorandum presented to them, a copy of which I lay on the table. Briefly, the offer was to place orders in India only for wagons of other types and underframes which they would require in 1927-28, and also for certain other railway material needed in that year, provided a reasonable price could be agreed upon, and the firms were unanimous that this would be the best course. I may mention that, though the firms were not unanimous on the subject, the Government of India have implemented this offer. At the same time a suggestion of purchase had been made in the course of the discussion with the firms, and the Government of India accordingly stated that, if either the Indian Standard Wagon Company or the Peninsular Locomotive Company, the two Indian firms which had hitherto specialised in wagon building only, were unwilling to acquiesce in this offer and would prefer that their works should be taken over by Government, they would be ready to discuss the terms on which they would be prepared, as an alternative, to purchase the works. The Peninsular Locomotive Company considered the offer inadequate, and stated that they had therefore no option except to request the Government to take the entire works over. The Government of India thereupon deputed two officers to inspect the works of the Peninsular Locomotive Company, and, after receiving their report, offered the Company a sum of 20 lakhs for the property in a letter dated the 6th of January, 1927, a copy of which I place on the table.

(b) Yes. After the Peninsular Locomotive Company had received the offer made verbally on the 5th of January, 1927 and in writing on the following day, they wrote on the 31st of January, 1927 expressing their willingness, should Government desire that the process of fixing a

price should be by valuation, to abide by the decision of an independent valuation at the hands of an approved party on the basis of replacement cost or earning capacity in normal conditions.

(c) Yes. The price offered by Government was not entirely based on a valuation of the property, but took into consideration all the facts of the case. The Government of India are satisfied that it is a more liberal price than would have been obtained by an independent valuation, and in the circumstances they did not consider that an independent valuation would have served any useful purpose.

#### MEMORANDUM.

The position of the firms engaged in the manufacture of railway wagons in India arising out of the decision of the Railway Board that for the present the purchase of broad gauge wagons of the usual types is not required, was discussed in Calcutta with representatives of Messrs. Burn and Co., Ltd., and the Indian Standard Wagon Company, Ltd., and in Bombay with the representatives of the Peninsular Locomotive Company.

2. In 1916 the Government of India raised the question of encouraging the manufacture of wagons in India. They recognised that some form of encouragement was necessary, and after discussions with certain of the firms interested, they issued on 1st March 1918 a communiqué in which they guaranteed to purchase in India 2,500 broad gauge and 500 metre gauge wagons annually for a period of ten years, provided that the price was not higher than the price at which wagons could be imported and that the materials and workmanship were satisfactory. Tenders in accordance with the terms of this communiqué were first called for in March 1920. But this form of encouragement proved ineffective, and in 1924 on the recommendation of the Tariff Board the Government of India instituted a new method of assistance. The essential feature of the new scheme was that the Government of India were authorised by the Steel Industry (Protection) Act to pay for Indian wagons a price higher than the price at which wagons could be imported. The theory of the scheme was that the number of wagons purchased in India would be determined by the amount set aside for bounties divided by the difference between the lowest satisfactory tender and the accepted Indian tender. Another feature of the scheme was that it was decided, in order to assist the Indian firms, that orders should be placed in India for as few types of wagons as possible. In view of the material change in the position caused by the enactment of the Steel Industry (Protection) Act, the Government of India issued on the 27th June 1924 another communiqué in which they formally withdrew the communiqué of 1st March 1918. In this later communiqué they expressly stated that they were not in a position to forecast the exact number of railway wagons of different types that they were now likely to require annually in the future, but they went on to say that they had every reason to expect that their requirements would be amply sufficient to give effect to the policy contained in Section 4 of the Steel Industry (Protection) Act. This communiqué elicited no protest or objection from the firms engaged in the manufacture of wagons in India.

3. The Government of India have thought it necessary briefly to re-state the position as they see it, in view of the statements which were freely made by the representatives of the firms in Calcutta and Bombay that the communiqué of March 1st, 1918, was still in force. The Government of India are unable to accept this view. At the same time, they recognise that their policy since 1918 has been directed towards fostering the wagon industry in India, and they are anxious to do what they can to find the best solution of the difficulty which has now arisen.

4. The position is that after a careful assessment of the results of the measures which have been and are being taken to expedite and improve the working of Indian Railways, the Railway Board have arrived at the conclusion that the broad gauge Railways in India should be able to carry efficiently with their existing stock of wagons all the traffic that is likely to offer in 1927-28 and 1928-29 and possibly for some further years. They are not likely to require therefore in 1927-28 more than a few wagons of special types.

5. Various proposals have been made by the firms concerned. But the one which seemed to find most favour was that the Government should lease, until such time as they found themselves again able to guarantee continuity of orders, the works of the Indian Standard Wagon Company and of the Peninsular Locomotive Company, and that they should endeavour to provide the remaining firms with remunerative work. The Government of India are not prepared to accept this proposal, nor do the other suggestions made commend themselves to them.

6. If the firms are unanimous that their best course is to face the risk and to hold on until the Railways are again in a position to place orders for wagons of the type usually made in India, the Government, after giving their most careful consideration to the problem; are unable to make any other suggestion for assisting them than that made by Sir Charles Innes at the interviews in Calcutta and Bombay. That offer was as follows :

- (i) They will call as soon as possible for tenders in India only on such miscellaneous wagons of different gauges and different types as they will require in 1927-28. The exact number of the wagons will depend upon the conversations now going with the Company Railways, but it is hoped that the number will reach between 1,700 and 1,800.
- (ii) The Government will also call, as soon as possible for tenders in India only for such underframes as they will require in 1927-28. Here again, the exact number will depend upon the conversations now proceeding with the Companies, but it is hoped that the number will be in the neighbourhood of 600.
- (iii) The Government will instruct the State-worked Railways to place orders in India for such spare parts as they require and as they cannot conveniently make in their own workshops, and
- (iv) Government will undertake to instruct the State-worked Railways to call for tenders in India only for shedding, roof trusses and bridge spans up to 80 feet span.

7. This offer will relate to the material required in 1927-28 only, and the Government cannot say more than that they will consider the situation again in the autumn of next year. The offer, moreover, is subject to the stipulation that orders will be placed in India only if a reasonable price can be agreed on.

8. This offer is being made to each of the four firms concerned. It may be that some of them may be unwilling to acquiesce in this offer and may prefer that their works should be taken over by Government. If this is so, the Government will be prepared to discuss the terms on which they would be willing to purchase the works either of the Indian Standard Wagon Company or of the Peninsular Locomotive Company or of both these firms. In this connection, they would wish to inspect the works and equipment of these two firms with the object of determining what in such an event would be a fair offer. But it should be clearly understood that if they do take over these works, it is their intention ultimately to use the Indian Standard Wagon Company's works for the manufacture of railway wagons and to use the works of the Peninsular Locomotive Company for the manufacture of underframes.

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*Copy of a letter, dated the 6th January 1927, to Mr. Manu Subedar.*

I write to confirm what I told you yesterday, namely *Firstly*, that whether or not the Government of India take over the Peninsular Locomotive Company and the Indian Standard Wagon Company or only one of them, and notwithstanding that the Indian Wagon Building firms are not unanimous in their views as to what is the best course for them to adopt; the Government of India intend to carry out the offer contained in clauses (i) to (iv) of paragraph 6 of the memorandum which formed an enclosure to Railway Board's letter No. 3420-S./II, dated the 19th November 1926, subject only to the conditions stated in paragraph 7 of that memorandum; *Secondly*, the Government of India are not prepared to extend the scope or duration of that offer; and *Thirdly*, that Government of India offer to purchase the whole of the buildings, fixtures, plant, tools, machinery, materials, equipment, land and stock in trade of the Peninsular Locomotive Company hereinafter referred to as the "property", subject to the following conditions :

- (a) that the Company are in a position to sell the property to Government free of all encumbrances and particularly that Government will not be bound

by the terms of any leases or agreements executed by the Peninsular Locomotive Company. Government will not take over any contractual obligations entered into by or any liabilities of the Company in respect, for instance, to loans or to agreements with employees ;

- (b) that the property referred to shall be that existing on the 31st December 1926 in accordance with certified lists to be agreed upon by representatives of the Company and the Government and shall also include all other equipment obtained in replacement of any part of the said property ; also all small tools obtained after the 31st December 1926 and used for the work carried on in the workshops. But it shall not include any equipment, plant, machinery or tools under order on the 1st January 1927, or ordered thereafter. If the Company wish to sell to Government any such equipment, plant, machinery, or tools this will be a matter for separate negotiation and the purchase price therefor will be in addition to the purchase price offered for the property ;
- (c) that Government are able on terms suitable to them to obtain possession of all the land in the occupation of the Company and to secure the continuation of such of the conveniences and arrangements incidental to the business of the Company as will enable Government to make use of the purchased property for the conduct of the business they have in view ;
- (d) that the date of purchase will be decided later with reference to the time when the Company will have completed all their existing contracts ;
- (e) that Government shall not be charged with any expenses incurred by the Company in connection with the sale of the property to Government or the winding up of the business of the Company ;
- (f) that Government shall pay as the purchase price of the property Rs. 20 lakhs. This is a final figure, and the Government of India are not prepared to discuss it.

The offer to purchase will expire on the 28th February 1927.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, if the Companies acquiesced in the proposition that an independent valuation will be worse for them than the offer that was made by the Government of India ?

**The Honourable Sir George Rainy :** I have no information to that effect, Sir.

**Mr. A. Rangaswami Iyengar :** Then upon what basis do the Government say that, as a matter of fact, the independent valuation will be worse for the Companies than what the Companies themselves consider good for them ?

**The Honourable Sir George Rainy :** That was the opinion of the Government of India, Sir.

**Mr. A. Rangaswami Iyengar :** I know. Have the Government any opinion as to what the Company thinks of this matter ?

**The Honourable Sir George Rainy :** There has been considerable amount of correspondence between the Company and the Government of India. But I do not wish to suggest in any way that the Company took this view of the case.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, whether the Company still urges an independent valuation ?

**The Honourable Sir George Rainy :** I do not think the question arises, Sir, of an independent valuation. The Company have accepted the Government of India's offer and the transaction is complete.

**Mr. A. Rangaswami Iyengar :** May I know once again what exactly is the offer which the Company have accepted now ?

**The Honourable Sir George Rainy :** Rs. 20 lakhs, Sir.

NUMBER OF CASUALTIES AMONG PUNJABI TROOPS AT SHANGHAI.

6. \***Diwan Chaman Lall** : (a) Will Government state the number of casualties and the circumstances under which they took place, among Punjabi troops at Shanghai since their arrival there ?

(b) In view of the danger of Indian troops being involved in hostilities at Shanghai and the danger of consequent loss of Indian lives, will Government state whether they intend to recall their forces ?

**Mr. G. M. Young** : (a) One of the Indian contingent has been killed and two wounded.

(b) The Indian troops, with the exception of the Company of Sappers and Miners and a few ancillary units, are under orders to return to India.

RIOT AT PONABALIA.

7. \***Maulvi Abdul Matin Chaudhury** : Will the Government be pleased to make a statement with regard to the shooting incident at Ponabalia in the district of Barisal as foreshadowed in the Honourable the Home Member's reply to Mr. K. Ahmed's question on March 4th, 1927 ?

**The Honourable Mr. J. Crerar** : A full statement was issued by the Bengal Government in a communique, dated March 5th, 1927. I am afraid I am unable to add any information to the facts contained in that communique except that the latest report of casualties was that they amounted to 19 killed and 12 wounded. The whole circumstances connected with this occurrence are, as the Honourable Member is probably aware, at present under judicial examination in connection with the case of rioting which has been instituted against certain persons, and it would not be proper for me at this stage to make any further statement.

**Maulvi Abdul Matin Chaudhury** : Do the Government intend to hold a public inquiry after the cases are finished ?

**The Honourable Mr. J. Crerar** : Government will await the result of the judicial inquiry before forming any opinion on the subject.

HARDSHIPS OF PILGRIMS RETURNING FROM THE GURUKUL KANGRI (HARDWAR) FAIR.

8. \***Pandit Thakur Das Bhargava** : (a) Are Government aware that the pilgrims who attended the Gurukul Kangri (Hardwar) Fair in March 1927 numbering about 70,000 people were put to much inconvenience and trouble on their return journey owing to the inadequate and unsatisfactory arrangements of the railway authorities ?

(b) Is it a fact that no enquiry office was opened by the Railway up till 21st March either in or about the railway premises ?

(c) Are enquiry offices generally opened for the convenience of the passengers at big fairs ?

(d) Was any mela officer appointed on the occasion ? If so, will the Government kindly name the gentleman ?

Mr. A. A. L. Parsons : (a) No.

(b) A special officer and extra staff were posted at Hardwar early in March and were available to supply any information required.

An enquiry office was opened in April before the outward rush commenced.

(c) Government understand that enquiry offices are opened when occasion renders this advisable.

(d) Yes. If the question refers to railway officials, the name of the officer is Khan Sahib M. A. Rashid.

#### ALLEGED HARASSMENT OF PILGRIMS AT HARDWAR.

9. \*Pandit Thakur Das Bhargava : (a) Is it a fact that originally there was a proposal to run special trains on 20th and 21st March to enable pilgrims to leave Hardwar but subsequently these trains were cancelled with the result that the pilgrims had to wait for a much longer time at Hardwar ?

(b) Is it a fact that coolies and subordinate railway staff harassed the pilgrims and, owing to the absence of information in respect of the arrival and departure of trains, pilgrims and their family members and children had to run from one passenger hall to another ?

(c) Is it a fact that no platform tickets were issued and no passenger could have access to the railway station authorities for getting information or making any complaints ?

(d) Is it a fact that the two ticket collectors on duty between 8 and 11 P.M. at the first class entrance were very rude to passengers so much so that gentlemen connected with the personal staff of Mahatma Gandhi and Mr. Deshbandhu, editor of *Tej*, were very roughly treated and that the latter lodged a complaint with the station master on duty ?

(e) Has any action been taken against the offending ticket collectors, and if so, what ?

Mr. A. A. L. Parsons : (a) Two special trains were run on the 21st March 1927 conveying outward pilgrims from Hardwar and in addition extra coaching rakes were available at Hardwar if required. The Railway reports that no pilgrims were detained at Hardwar.

(b) No complaints of harassment were received. Railway officers and extra supervising staff were stationed at Hardwar and every endeavour was made to assist pilgrims by distribution of explanatory pamphlets, special marks on tickets and exhibition of signs.

(c) A number of platform passes were issued enabling passengers to get on to the platform and it is reported that any passenger who wished to make a complaint could without difficulty have seen the special officer posted at Hardwar.

(d) Government have no information and understand that no complaints against the ticket collectors were received by the Railway.

(e) Does not arise.

APPOINTMENT OF INCOME-TAX OFFICERS, INSPECTORS AND STENOGRAPHERS  
IN THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

10. \***Pandit Thakur Das Bhargava** : (a) How do the Government propose to fill the posts of Income-tax Officers, Inspectors and stenographers who are to be appointed from 1st April 1927 in the Punjab and the North-West Frontier Province ?

(b) If the answer to part (a) is that these posts are to be filled by direct recruitment, will the Government state if any departmental men possess the qualifications necessary for such posts and in case such men are available why their claims should be ignored ?

(c) Are there any clerks in the department who have passed the departmental examination of Inspectors ?

(d) Are there any clerks who have already been doing the work of stenographers ?

(e) Do Government propose to consider the advisability of filling the newly created posts of Inspectors and stenographers by clerks already working in the Department ?

**The Honourable Sir Basil Blackett** : (a) and (e). Appointments of Income-tax Officers are made by the Commissioner of Income-tax subject to the approval of the Local Government. Appointments to the other posts mentioned are made by the Commissioner of Income-tax.

(b), (c) and (d). The Government have no detailed information as to the qualifications, etc., of men in the Department. They have no reason to suppose that their claims have not been (or will not be) duly considered in making the appointments referred to.

**Nawab Sir Sahibzada Abdul Qaiyum** : Are the Government aware that the posts of stenographers in the North-West Frontier Province are practically monopolised by clerks from outside the province ? Are they prepared to find facilities for local people with proper qualifications ?

**The Honourable Sir Basil Blackett** : I doubt, Sir, whether the question arises, but I am afraid the answer is not within my knowledge.

LIQUIDATION OF THE ARMY CANTEN BOARD AND REVERSION TO THE SYSTEM  
OF INDIAN CONTRACTORS.

11. \***Mr. T. A. K. Shervani** : 1. Is it a fact that a Circular No. 30946/4, dated the 25th January 1927, has been issued by the Army Department ?

2. (a) Is it a fact that on the 17th January 1927 the Quartermaster-General in India called a meeting of the Army Contractors at Delhi to intimate to them the Government's decision to liquidate the Army Canteen Board and to revert to the system of Indian contractors ?

(b) If the answer to part 2 (a) is in the affirmative, was the decision based on the recommendation of the Commission appointed to investigate into the working and financial position of the Army Canteen Board and also on the almost universal condemnation of the Army Canteen Board by the Commanding Officers in India and their approval of the tenancy system ?



(c) Did the Quartermaster-General in India on the 17th January 1927 read over to the Army Contractors certain proposals, now embodied in the Circular referred to above ?

(d) Did the contractors ask for time to think over the matter ?

(e) Was such permission refused to them ?

(f) Did the Quartermaster-General allow them 45 minutes only after their persistent request ?

(g) Is it a fact that the contractors were not allowed to get from the office copies of the above proposals, and that scores of such copies in typed form were then available ?

(h) If the answer to part 2 (g) is in the affirmative, what was the Government's objection ?

3. Are Government aware that some of the contractors at that very time objected to the measures as being exacting and unworkable ?

4. (a) Are Government aware that the Quartermaster-General in India tried to secure consent, threatening to import the Navy, Army and Air Force Institutes from England ?

(b) Did the Quartermaster-General in India try to silence any objections and criticisms by threatening to remove from the approved list the names of those contractors who did not agree to these proposals *in toto* ?

Mr. G. M. Young : 1. A letter was issued by the Government of India bearing the number and date mentioned by the Honourable Member, and laying down the terms on which Government was prepared to revert to the unit contractor system for Army Canteen arrangements. A revised letter containing modified terms is under issue.

2. (a) The Quartermaster-General called the meeting referred to in order to intimate the Government's decision to liquidate the Army Canteen Board (India) and to inform those present of the conditions on which Government was prepared to revert to the system of unit contractors.

(b) In deciding to liquidate the Army Canteen Board full weight was given by Government, amongst other considerations, to the recommendations of the Commission referred to, and to the wishes of a large number of Commanding Officers.

(c) The Quartermaster-General read over and explained the conditions on which Government were prepared to revert to a system of unit contractors. These conditions were in the main based on proposals made by the contractors in a memorial submitted by them to His Excellency the Commander-in-Chief, praying for a return to the unit contractor system. The conditions were embodied in the letter referred to by the Honourable Member.

(d) Yes.

(e) No.

(f) The contractors were given about an hour to consider and discuss matters among themselves, after some discussion had taken place between them and the Quartermaster-General.

(g) Each contractor present had a typed copy of the conditions.

(h) Does not arise.

3. Yes, but a considerable number of the contractors expressed themselves as satisfied with the conditions, which, as I have already stated, were largely based on proposals made by the contractors themselves. Some of the terms are being modified in the revised letter to which I have already referred.

4. (a) The Quartermaster-General was not concerned to secure consent by threats. His object at the meeting was to ascertain whether there was a sufficient number of contractors ready to accept the conditions and render possible a reversion to the unit contractor system. He found that there was a sufficient number. He explained that if there were not a sufficient number, the only alternative was a central system, which would probably be the Navy, Army and Air Force Institutes.

(b) The answer is in the negative. The approved list was not then in existence : but it now exists, and is composed of the contractors who accepted the terms.

#### DISPOSAL OF THE STOCKS OF THE ARMY CANTEN BOARD.

12. \*Mr. T. A. K. Shervani : (a) Is it a fact that the Government have suffered much financially in consequence of the failure of the Army Canteen Board and is at present anxious to replenish the losses by the disposal of the Board's stock ?

(b) Are Government aware that the Army Canteen Board has already been declared to be no quasi-Governmental Institution but a private concern, incorporated under the Indian Companies Act ?

(c) Are Government interested in furthering the Board's interests even at the cost of those of Indian tradesmen ? If so, why ?

(d) Is it a fact that the objects of the institution of the Army Canteen Board were mainly two, namely :—

(a) improvement of the Canteen Service ; and

(b) provision of a war time organisation ?

Mr. G. M. Young : (a) Yes, Sir. The actual extent of the losses will not be known until the Board's stock is finally disposed of.

(b) The Government are not aware of any such declaration. The Army Canteen Board is a company guaranteed by the Government of India.

(c) No, Sir. The second part does not arise.

(d) The answer is in the affirmative.

#### DISPOSAL OF THE STOCKS OF THE ARMY CANTEN BOARD TO INDIAN CONTRACTORS.

13. \*Mr. T. A. K. Shervani : (a) Is an intending contractor in the Northern or Western Command bound to purchase from the Army Canteen Board stocks apportioned to each regiment, which may roughly be estimated to be about Rs. 80,000 ?

(b) If so, what steps have been taken to make this huge investment safe for the contractor ?

(c) Is he given fixed tenures or a period sufficient to enable him to get a return on his investment, and within which he could not be turned out except for a serious breach of the terms of the agreement ?

(d) Are Government aware that the "terminable-at-will" nature of the contract is causing great dissatisfaction and unrest among the *bona fide* contractors who have in consequence evinced no keen interest in taking over Institutes from the Army Canteen Board ?

(e) Are Government prepared to consider any amendment in the duration of contract which might be a stimulus to and foster enterprises for the betterment of the condition of the troops ?

Mr. G. M. Young : (a) The answer is in the affirmative, except that the estimated figure is greatly in excess of the actual.

(b) to (e) Government are reconsidering the question of the duration of contracts.

#### REFORMS IN THE CANTEEN SERVICE.

14. Mr. T. A. K. Shervani : (a) Are Government aware that certain reforms in the Canteen Service have been proposed by an eminent contractor, wherein a war time organisation finds a conspicuous place ?

(b) If so, are Government prepared to consider a syndicate as therein suggested, financially self-supporting promoting co-operation among contractors for war time emergencies and always at the beck and call of the Army Headquarters ?

Mr. G. M. Young : (a) The answer is in the affirmative.

(b) Government are now considering what is the most effective and economical method of utilizing the services of contractors in war.

#### PURCHASE OF THE STOCK OF THE ARMY CANTEEN BOARD BY INDIAN CONTRACTORS.

15. \*Mr. T. A. K. Shervani : (a) Are Government aware that under the rules recently enforced a contractor purchasing stores from the Army Canteen Board has no option, but is constrained to accept the decision of the Board's representative ?

(b) If so, do Government propose to see that contractors are given a free hand to refuse to purchase those things which they have reason to believe to be unfit for use or unsaleable from the nature of the thing ?

(c) Are Government aware that the scale of valuation of the Board's stock has been arbitrarily fixed ?

(d) Have the prices been calculated on the invoice (not sale) price of the stuff to be sold, and has a percentage of reduction been fixed thereon ?

(e) Has any regard been paid to the fact that prices generally and more especially those of machinery have now considerably gone down ?

**Mr. G. M. Young :** (a) Under the strict letter of their agreements the contractors had no option : but in practice their objections were sympathetically dealt with by the Liquidator.

(b) No, Sir : but the contractors are not compelled to take over articles which in the opinion of the Liquidator are unfit for use or unsaleable.

(c) and (d) The answer is in the negative. Prices were calculated on retail prices, as in the latest available official price lists of the Army Canteen Board, less 15 per cent. discount for beer stocks, and  $12\frac{1}{2}$  per cent. for other stocks. Further concessions have since increased the discount on individual articles.

(e) Every factor has been considered.

#### UNIVERSAL RATE OF REBATE IN CONNECTION WITH THE CANTEEN SERVICE.

16. **Mr. T. A. K. Shervani :** (a) Is it a fact that the Government have sanctioned a universal rate of rebate applicable to the whole of India ?

(b) If so, are Government aware that business conditions on the plains differ from those in the hills ?

(c) If so, are Government prepared to see that in sanctioning universal rebates, the rates for the hills and the plains are to be separately considered ?

(d) Are Government aware that under the new rules an Officer Commanding has the power only to increase the rebate above the minimum fixed at Rs. 3-4-0 per head *per mensem* and that he is not to reduce it under any circumstances ?

(e) Do Government propose to sanction a universal rebate after due consideration of all conditions and circumstances and without leaving anything in the hands of the Officer Commanding to enhance the same ?

**Mr. G. M. Young :** (a), (b) and (d) Yes.

(c) and (e) Government are now reconsidering the terms of rebate.

#### ESTABLISHMENT IN INDIA OF THE BOARD OF THE NAVY, ARMY, AND AIR FORCE INSTITUTES.

17. **Mr. T. A. K. Shervani :** Is it a fact that the Government are anxious to import and establish the Board of the Navy, Army and Air Force Institutes and are therefore putting obstacles in the way of contractors ?

**Mr. G. M. Young :** The answer is in the negative in both places

(Mr. President then called on Sir Purshotamdas Thakurdas in whose name question No. 18 stood.)

**Mr. K. C. Neogy :** May I request you, Sir, under Standing Order 19, to direct that the answer to this question may be given ?

**Mr. President :** Does the Honourable Member wish to put the question standing in the name of Sir Purshotamdas Thakurdas ?

**Mr. K. C. Neogy :** It is for you, Sir, to ask the Government to answer this question.

**Mr. President :** I am perfectly prepared to allow the Honourable Member to put the question standing in the name of Sir Purshotamdas Thakurdas if he is willing to do so.

(Mr. K. C. Neogy then put question No. 18).

# REFUSAL OF THE SWEDISH MATCH COMPANY TO FURNISH DETAILS OF THEIR WORKS COST TO THE TARIFF BOARD.

18. **Sir Purshotamdas Thakurdas :** (a) With reference to the examination before the Tariff Board on 13th, 14th and 16th April last of the representative of the Swedish Match Combine in India, have Government noticed the report in the press that the said representative refused to supply the President of the Tariff Board with any details regarding the cost of production of matches by that Combine in India even *in camera*?

(b) If the reply to the above be in the affirmative, will Government be pleased to state what action they propose to take against such a foreign Combine, manufacturing in India, thus challenging a technical body set up by the Government for the purpose of enquiry into the industry?

(c) Will Government be pleased to state if they propose to undertake any legislation to prevent a repetition of such an incident in connection with any future enquiry by the Tariff Board?

**The Honourable Sir George Rainy :** (a) Yes.

(b) and (c) The attention of the Honourable Member is invited to the Tariff Board's press communique, dated the 7th July, 1927. In view of the changed attitude of the Swedish Match Company as announced therein, the Government of India do not propose to take any action in this matter.

**Mr. B. Das :** May I enquire if the Swedish Match Combine have received any concessions from the Government of India or from any Local Government in any shape or form?

**The Honourable Sir George Rainy :** I am afraid I must ask for notice.

# COASTAL SERVICE MAINTAINED BY THE BRITISH INDIA STEAM NAVIGATION COMPANY BETWEEN BOMBAY AND KARACHI.

19. **Mr. Harchandrai Vishindas :** 1. Will Government be pleased to state if it is a fact :

(a) that the British India Steam Navigation Company used to ply two steamers every week for coastal ports between Karachi and Bombay and back?

(b) that of late such service has been reduced to one steamer to the great hardship of the passengers of those ports?

(c) that such action on the part of the above company is due to the lack of competition with them owing to their having the monopoly of the Government mail contract?

2. Do Government propose to take steps to alleviate the public inconvenience by breaking the monopoly of the above company by making competition free or by any other means?

**The Honourable Sir George Rainy :** 1. (a) The British India Steam Navigation Company ordinarily maintains a coastal service of two steamers between Bombay and Karachi and *vice versa*.

(b) It is understood that at the beginning of this year, one steamer had to be withdrawn from this service by the British India Company for a short period owing to other vessels of the Company being requisitioned by Government for transportation of troops for the Shanghai Defence Force. The withdrawal was unavoidable, but the Government understand that it caused no great inconvenience to passengers as on no occasion were any passengers unable to obtain accommodation on the reduced service.

1 (c) and 2. The Bombay Steam Navigation Company, Limited, also maintains a service of two steamers per week, one from Bombay to Karachi direct and back, and the other *via* intermediate ports. The British India Steam Navigation Company do not therefore hold a monopoly of this service.

**Mr. Harchandrai Vishindas :** May I enquire if the full service has been restored after the emergency for which some of the steamers were withdrawn to Shanghai and China was over; that is to say, I wish to know whether the original service has been reinstated ?

**The Honourable Sir George Rainy :** I understand so. My information is that the service was reduced only for a short period.

**Mr. Sarabhai Nemchand Haji :** May I enquire if the Government propose to make any proportionate reduction in the mail subsidy in view of the fact that one ship had been removed from the mail service ?

**The Honourable Sir George Rainy :** I think that enquiry ought to be addressed to my Honourable Colleague in charge of the Department of Industries and Labour.

**The Honourable Sir Bhupendra Nath Mitra :** Will the Honourable Member kindly repeat the question ?

**Mr. Sarabhai Nemchand Haji :** In view of the fact that one of the mail ships for which the subsidies are granted was temporarily withdrawn, will Government consider the advisability of reducing proportionately the amount of the subsidy ?

**The Honourable Sir Bhupendra Nath Mitra :** So long as there was no interference with the conveyance of mails the question of reducing the subsidy did not arise.

**Mr. Sarabhai Nemchand Haji :** Is it no inconvenience if one ship is run instead of two ?

**The Honourable Sir Bhupendra Nath Mitra :** There is a certain volume of mails to be carried, and so long as the company carries that volume of mails, the question of reducing the subsidy cannot arise.

**Mr. Sarabhai Nemchand Haji :** Whether it is once a week or twice a week does not matter ?

**The Honourable Sir Bhupendra Nath Mitra :** As it is, the mail steamer takes the mails once a week. A subsidiary steamer does take certain mails occasionally, but the fact that the subsidiary steamer is not employed cannot be used as an excuse for reducing the subsidy.

**Mr. B. Das :** Is it a fact then that the steamship company was showing a favour to the Postal Department by carrying mails in the subsidiary steamer ?

**The Honourable Sir Bhupendra Nath Mitra :** It is not a question of favour at all. The steamship company do put in two vessels on that service mainly for commercial purposes, and the conveyance of mails was really a subsidiary function.

#### SUPPRESSION OF THE TRAFFIC IN WOMEN AND CHILDREN.

20. **Mr. Ganganand Sinha :** (a) Have Government prepared or are they preparing any report for presentation to the Traffic in Women and Children Committee of the Assembly of the League of Nations regarding the suppression of the traffic in women and children ?

(b) If the answer is in the negative, will the Government be pleased to state the reasons for the same ?

(c) If the answer is in the affirmative, are Government prepared to circulate the same among the Members of the Central Legislature ?

**Mr. W. T. M. Wright :** (a) The annual report for 1926 has been forwarded to the India Office for transmission to the Secretary General of the League of Nations.

(b) Does not arise.

(c) A copy of the report has been placed in the Library for perusal by Honourable Members

**Mr. N. M. Joshi :** May I know whether there is any Indian lady on the Committee of the Assembly of the League of Nations which is considering the question of the traffic in women and children ?

**Mr. W. T. M. Wright :** I believe not.

**Mr. N. M. Joshi :** May I ask whether Government will take steps to secure the appointment of an Indian lady on this Committee ?

**Mr. W. T. M. Wright :** A reference in this sense was received from a certain society and the letter was forwarded to the Secretary of State.

**Mr. N. M. Joshi :** May I ask whether the Government of India have recommended the appointment of an Indian lady to the Secretary of State ?

**Mr. W. T. M. Wright :** I am not sure of that— whether the communication amounted to a recommendation or not.

#### REPORTS OF THE VARIOUS COMMITTEES OF THE ASSEMBLY OF THE LEAGUE OF NATIONS.

21. **Mr. Ganganand Sinha :** How many copies, if any, are Government receiving of the Reports of the various Committees of the Assembly of the League of Nations ? How many copies of them are kept in the Library for the use of Members ? Why are not these reports circulated among the Members of the Central Legislature for information ?

**Mr. W. T. M. Wright :** The number of copies received by Government is usually three and is in no case in excess of the number required for official use. Government doubt whether they would be justified in

incurring the very great expenditure involved in the printing of additional copies for circulation. The reports are, however, reproduced in the Official Journal of the League of Nations, one copy of each issue of which will be placed in the Library.

(1) SUPPRESSION OF THE CIRCULATION OF, AND TRAFFIC IN, OBSCENE PUBLICATIONS.

(2) EXPULSION OF FOREIGN PROSTITUTES.

22. \***Mr. Ganganand Sinha** : (a) Have Government sent any report to the Secretariat of the Assembly of the League of Nations regarding :

(i) suppression of the circulation of and traffic in obscene publications ;

(ii) expulsion of foreign prostitutes ?

(b) If so, will the Government be pleased to lay a copy of the same on the table ? If not, why ?

**The Honourable Mr. J. Crerar** : (a) (i) Yes.

(ii) Apart from the annual report on the traffic in women and children, which also refers to foreign prostitutes, no separate report about the latter has been sent to the League.

(b) The reports (a) (i) received from local authorities were transmitted in original and no copies have been kept. For the report on (a) (ii), the Honourable Member is referred to the annual report for 1926, now in the Library, on the traffic in women and children.

APPOINTMENT OF INDIANS IN THE SECRETARIAT OF THE LEAGUE OF NATIONS.

23. \***Mr. Ganganand Sinha** : (a) Will the Government be pleased to state how many Indians, if any, have been appointed in the Secretariat of the League of Nations ?

(b) What hand had the Government in these appointments ? How are they paid and by whom ? What are the qualifications of the gentlemen appointed ? How were selections made and on what basis ?

**Mr. W. T. M. Wright** : (a) Four, including two in the Secretariat of the International Labour Office.

(b) (i) None.

(b) (ii) From the funds of the League.

(b) (iii) Government have no information.

(b) (iv) Under Article 6 of the Covenant appointments to the League Secretariat are made by the Secretary General with the approval of the Council. The principles followed in making appointments are indicated in the statement of the Secretary General printed on page 21 of the Official Journal, Special Supplement, No. 37, a copy of which is in the Library. Government have no information regarding the circumstances in which the Indians employed in the Secretariat were selected.

**Mr. R. K. Shanmukham Chetty** : Was not some representation made by the representative of the Government of India to the League of Nations that more Indians ought to be appointed to the Secretariat of the Assembly and the International Labour Office ?



**Mr. W. T. M. Wright :** That was done, I believe, last year.

**Mr. R. K. Shanmukham Chetty :** May I know whether any more Indians have been appointed as a result of the representation thus made ?

**Mr. W. T. M. Wright :** I am not in a position to say whether any further appointments have been made since that representation was made ?

**Mr. R. K. Shanmukham Chetty :** I remember that this representation was made some years back by the Right Honourable Srinivasa Sastri when he represented the Government of India, and I would like to know whether, since that representation was made, the Government of India have taken any steps to bring to the notice of the authorities of the League the necessity of appointing more Indians to the Secretariat ?

**Mr. W. T. M. Wright :** I believe the Honourable Member is aware that the matter was brought to notice by the Indian Delegation in the last Assembly.

**Mr. R. K. Shanmukham Chetty :** What steps have the Government of India taken so far to see that the representations thus made are fruitful ?

**Mr. W. T. M. Wright :** The Delegation was instructed to make representations.

**Mr. R. K. Shanmukham Chetty :** Do the Government of India think that it is not necessary for them to take any further steps to bring this matter to the notice of the authorities of the League ?

**Mr. W. T. M. Wright :** If the Honourable Member wishes me to give a full history of the representations that the Government of India have made for the last 4 or 5 years, I must have notice of the question.

**Diwan Chaman Lall :** Is the Honourable Member aware of the fact that the Government of India lent the services of one of their officers to the League of Nations, and how can he say now that the Government of India do not know how these appointments are made ?

#### DIFFERENT NATIONALITIES REPRESENTED ON THE STAFF OF THE SECRETARIAT OF THE LEAGUE OF NATIONS, ETC.

24. **Mr. Ganganand Sinha :** Have Government any up-to-date information as to the strength of the staff of different nationalities appointed to the League of Nations Secretariat and the respective contributions of those nations to the League ? If so, will the Government lay a statement on the table detailing the same ? What is the proportion of such appointments to the contributions of the different nations in general and India in particular ?

**Mr. W. T. M. Wright :** Information on the two points referred to in the first part of the question will be found on pages 73 to 91 of the League of Nations Official Journal, January, 1927, 8th Year, No. 1, a copy of which is in the Library. It has however been ascertained that an Indian, Mr. Dalal, whose name is not shown in the Staff List on pages 76 *et seq.* is in fact employed in the Legal Adviser's section of the League

Secretariat. The Government of India have been unable to undertake the somewhat elaborate mathematical calculations which would be involved in extracting the proportions referred to in the last part of the question.

**Diwan Chaman Lall :** May I ask the Honourable Member whether this is not a very simple calculation which would take less than half an hour ?

**Mr. W. T. M. Wright :** In that case I would suggest that the Honourable Member might make the calculation himself.

**Diwan Chaman Lall :** Is the Honourable Member aware that the subject has been raised time and again and that replies to this question have been given not only here but in Geneva as well ?

**Mr. W. T. M. Wright :** Yes. The facts are before the Honourable Member, and, if he likes to work out the proportion, it is perfectly open to him to do so.

**Diwan Chaman Lall :** Will the Honourable Member make inquiries as to what was said in Geneva ?

**Mr. Ganganand Sinha :** With reference to the question just asked, may I know what time is likely to be required in making that calculation ?

**SUPPLY TO THE HEALTH ORGANISATION COMMITTEE OF THE ASSEMBLY OF THE LEAGUE OF NATIONS OF DATA REGARDING INFANT MORTALITY, PHYSICAL HYGIENE AND NUTRITION.**

25. **\*Mr. Ganganand Sinha :** (a) Have Government received any direction or suggestion from the Health Organisation Committee of the Assembly of the League of Nations regarding furnishing it with data regarding infant mortality, physical hygiene and nutrition ?

(b) If so, what steps, if any, are being taken by the Government to do the same ?

(c) Will the report of the Government on the subject be available to the Members of the Central Legislature ?

**Mr. G. S. Bajpai :** (a) No.

(b) and (c). Do not arise.

**RECOMMENDATIONS AND CONVENTIONS ON UNEMPLOYMENT ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCES.**

26. **Mr. Ganganand Sinha :** (a) Have Government received any suggestion or direction from the International Labour Office regarding measures proposed in the recommendations and conventions on unemployment adopted by the International Labour Conferences ?

(b) If so, will the Government be pleased to lay the same on the table and indicate what steps, if any, they are taking to act up to it ?

**The Honourable Sir Bhupendra Nath Mitra :** Several Conventions and Recommendations relating to unemployment have been adopted at different sessions of the International Labour Conference. The Draft Conventions and Recommendations so far passed will be found in the statement laid on the table in answer to the Honourable Diwan Chaman Lall's starred question No. 286 on 27th January 1925. The effect given to these Conventions and Recommendations will be found in the same

statement. A Resolution concerning unemployment was adopted by the Eighth International Labour Conference in 1926, and the Government of India are at present endeavouring to collect certain information for which the International Labour Office has asked in this connection.

**Mr. N. M. Joshi :** May I ask whether the Government of India are aware that at this year's session of the International Labour Conference a committee was appointed to go into the question of the action taken on the ratifications, and the Committee laid some blame on the Government of India for not taking action on the Convention regarding unemployment and the establishment of labour exchanges in India ?

**The Honourable Sir Bhupendra Nath Mitra :** I have seen something to that effect in the papers but have not yet received authoritative reports from Geneva. As soon as we get the reports we shall certainly look into the matter.

**Mr. N. M. Joshi :** May I ask whether the Government of India does not receive reports from their representative on the Governing Body of the International Labour Office ?

**The Honourable Sir Bhupendra Nath Mitra :** If the Honourable Member will have a little patience, he will get that information in my reply to another question. We are still awaiting those reports. We shall get them very soon and then we shall look into the whole question.

#### APPOINTMENT OF A CORRESPONDENT OF THE INTERNATIONAL LABOUR OFFICE IN INDIA.

27. **\*Mr. Ganganand Sinha :** (a) Will the Government be pleased to state whether or not they have received any information regarding the appointment of a Correspondent of the International Labour Office in India in pursuance of the Resolutions passed by the International Labour Conferences ?

(b) If so, will the Government be pleased to lay the same on the table ?

(c) What hand, if any, have the Government in such an appointment ? If the appointment has been made, will the Government be pleased to state the name and qualification of the Correspondent ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The Governing Body of the International Labour Office has decided to create a correspondent's office in Delhi in 1928.

(b) This information will be found in the Report of the Director of the International Labour Office for 1927. I do not propose to lay the Report on the table.

(c) No appointment has yet been made, and the Government of India understand that it is the Director's intention that the correspondent should, if possible, be appointed in 1928 after a period of training in his office. The Director intends to consider in this connection the claims of those Indians who recently applied for a higher grade appointment in the International Labour Office, but the appointment will not necessarily be made from among these candidates. These applications

were received at the request of the Director by an officer of the Government of India and were forwarded to the Director with a report upon them : they were not examined by the Government of India.

### CONDITIONS OF LABOUR IN INDIA.

28. **\*Mr. Ganganand Sinha :** Have Government been in communication with the International Labour Office with regard to the conditions of labour in India in pursuance of the Resolutions passed in the International Labour Conferences ? How far has the matter progressed ? How is the matter to be investigated and by whom ? What have Government so far done to help the inquiry ?

**The Honourable Sir Bhupendra Nath Mitra :** I presume that the Honourable Member is referring to the documentary enquiry which is being conducted by the International Labour Office into conditions of labour in a number of Asiatic countries, including India. The Government of India have been in communication with the International Labour Office on the question, and they understand that the enquiry is in progress. They have supplied the International Labour Office, from time to time, with a large amount of documentary material bearing on labour conditions in India and are endeavouring to collect further information desired by the Director of the International Labour Office.

### PROMOTIONS TO HEAD POSTMASTERSHIPS OF PERSONS WHO HAVE PASSED THE POSTAL ACCOUNTANTS' EXAMINATION.

29. **\*Mr. B. P. Naidu :** (a) Is it a fact that the Director-General of Posts and Telegraphs in his special circular No. 50, dated the 16th October 1924, introducing the Postal Accountants' examination, has clearly stated as follows :

“ As soon as the effects of this scheme begin to mature, Heads of circles will, in making appointments to Head Postmasterships *ordinarily* give preference to an official who holds a current certificate as Accountant, it being understood that the Accounts work in the Post Office must necessarily be defective, if the Postmaster himself is deficient in the knowledge of accounts.”

(b) Is it a fact that 88 officials passed the Postal Accountants' examination held in April 1925 and 94 in the examination held in August 1926 ?

(c) Has any preference been given to those who passed the Postal Accountants' examination in making appointments to the Head Postmasterships in the Madras Circle ? If not, why ?

(d) What are the principles regulating the promotion to Head Postmastership from those who have passed the Postal Accountants examination ?

(e) Will the promotions be given according to seniority in the gradation list, irrespective of the date of passing the examination or regulated according to seniority and priority of passing, taken together ?

**Mr. H. A. Sams :** (a) Yes.

(b) Yes.

(c) No, because preference for the appointment of Head Postmasters is ordinarily to be given to passed Accountants only when they are sufficiently senior to be considered for promotion.

(d) Among the officials eligible for promotion to the appointment of Head Postmaster, preference will ordinarily be given to one who has passed the Accountants' Examination. It was not intended that promotions to Head Postmaster will be made only from among passed accountants irrespective of seniority.

(e) Promotion will ordinarily be given according to seniority in the gradation list irrespective of the date of passing the examination.

#### APPOINTMENT OF A JUNIOR POSTAL OFFICIAL AS ACCOUNTANT OF NELLÖRE.

30. \*Mr. B. P. Naidu : Is it a fact that while the seniormost qualified Accountant in the Nellore Division was actually working as Accountant, Nellore, not only attending to the work in the Accounts Branch but also attending to the Telegraph Branch for 4 hours a day, in addition, for months together, an absolute junior, who was quite a novice, so far as practical work was concerned and who had to be trained by the former, was posted as permanent accountant, the former being transferred elsewhere as Sub-Postmaster ? If so, why ?

Mr. H. A. Sams : I have enquired into the matter and am satisfied that the transfer referred to was in the interests of the service.

#### PRINCIPLES REGULATING THE APPOINTMENT OF PERSONS WHO HAVE PASSED THE POSTAL ACCOUNTANTS' EXAMINATION AS ACCOUNTANTS.

31. \*Mr. B. P. Naidu : What are the principles that generally regulate the appointment of those who have passed the Postal Accountants' examination as Accountants ? Are not seniority and efficiency taken into consideration ?

The Honourable Sir Bhupendra Nath Mitra : The principles are seniority and efficiency.

#### APPOINTMENT OF A PACKER IN THE KANDUKUR SUB-POST OFFICE.

32. \*Mr. B. P. Naidu : (a) Is it a fact that there is no messenger or packer attached to the Kandukur Sub-Post Office under the Nellore Head Office ?

(b) Have the postmen who belong to the superior service to perform these functions also which are usually done by members of the inferior service ?

(c) Is it proposed to appoint a packer to that office to have the telegrams delivered promptly and relieve the postmen of the packer's work, for the performance of which they have to break their beats and attend the office in the noon alternately at considerable inconvenience ?

Mr. H. A. Sams : (a) Yes.

(b) Yes, when there is not sufficient work for a separate packer or messenger.

(c) The question has been under consideration and a packer will be sanctioned shortly.

HOOR OF DESPATCH OF SECTION MAILS AT KANDUKUR.

33. \*Mr. B. P. Naidu : (a) Are the section mails at Kandukur despatched at 13 hours daily ? Are not the staff and the public put to considerable inconvenience, on account of the whole transactions to be included in the mails having to be performed within one hour, namely, from 11 to 12 ?

(b) Are Government prepared to consider the question of altering the hour of despatch of mails by availing themselves of the motor bus services which are now plying regularly between Singarayakonda and Kanigiri ?

Mr. H. A. Sams : (a) The reply to the first portion is in the affirmative. Regarding the second portion steps are being taken to remove the inconvenience by altering the working hours of the Kandukur Post Office

(b) The matter is under consideration.

COST OF THE SIMLA EXODUS.

34. \*Mr. Gaya Prasad Singh : With reference to my starred question No. 890 of the 14th March 1927, regarding the cost of the " Simla Exodus ", and the following statement of the cost subsequently furnished to me, namely :

					Rs.
1921-22	..	..	..	..	4,41,683
1922-23	..	..	..	..	6,40,049
1923-24	..	..	.	..	2,70,145
1924-25	..	..	..	..	4,47,120
1925-26	..	..	..	..	5,10,680

will the Government kindly give reasons for the increase in the cost in 1922-23, and 1925-26 ; and also state if the total cost includes house rent, hill allowances, etc., paid in Simla ? And if not, what is the additional expenditure on this account ?

The Honourable Mr. J. Crerar : Information is being collected and will be supplied to the Honourable Member.

Mr. Gaya Prasad Singh : I wish that the information collected should be laid on the table, considering its importance.

The Honourable Mr. J. Crerar : I will consider the matter when the information is before me.

CURTAILMENT OF THE STAY OF THE GOVERNMENT OF INDIA IN SIMLA, ETC.

35. \*Mr. Gaya Prasad Singh : Is there any proposal to curtail the length of the stay of the Government of India in Simla ? If so, will the Government be pleased to give the result, and also state what offices and establishments it has been decided to locate permanently in Delhi all the year round ?

The Honourable Mr. J. Crerar : The question of the duration of the stay of the Government of India in Simla is under consideration, but no decision regarding it or upon the question of locating permanently in New Delhi further offices and establishments has yet been reached.

**Mr. A. Rangaswami Iyengar :** Is it a fact that when the project of constructing a new capital at Delhi was decided in 1911 the main reason urged was that it would avoid the Simla exodus and the huge additional cost involved in it ?

**The Honourable Mr. J. Crerar :** I am not aware that in 1911 it was contemplated that it was possible for the Government of India to remain for the whole year round at Delhi.

**Mr. K. C. Neogy :** Is it a fact that it was expected at one time that it would be possible for the Government of India to stay at Delhi for seven months in the year and at Simla for five months ?

**The Honourable Mr. J. Crerar :** I think that proposal has been considered. As I informed the Honourable Member who asked the question, the whole matter is under consideration and no decision has yet been arrived at.

**Mr. A. Rangaswami Iyengar :** Is it a fact, Sir, that an enormous amount of expenditure has been incurred in Delhi with a view to making it suitable for Honourable Members and the Secretariat to live there during the hot season ?

**The Honourable Mr. J. Crerar :** It is certainly a fact that the construction of New Delhi has involved very considerable expenditure.

#### HOLDING OF THE AUTUMN SESSION OF THE CENTRAL LEGISLATURE IN DELHI.

36. **\*Mr. Gaya Prasad Singh :** (a) Is it in contemplation to hold the Autumn Session of the Central Legislature in Delhi in future, instead of in Simla, in September and October ?

(b) Is it a fact that a query addressed to the Health Officer of Delhi has elicited the reply that the climate of Delhi at that time is extremely malarious, and should be avoided, if possible ? If so, will the Government be pleased to lay a copy of this communication on the table ?

(c) Is it not a fact that it is more costly to the tax-payer to hold a Session of the Indian Legislature in Delhi than in Simla, on account of motor haulage, and conveyance allowances paid to Honourable Members ?

(d) Will the Indian Legislature be consulted before coming to a decision on this point ?

**Mr. W. T. M. Wright :** (a) No, Sir, but the question of holding an Autumn Session in Delhi in *November* instead of in Simla in September is under consideration in connection with the question of the duration of the stay of the Government of India in Delhi.

(b) A copy of a letter from the Honourable the Chief Commissioner of Delhi to the Government of India giving information on the subject is laid on the table.

(c) The answer is in the affirmative, so far as the budget of the Central Legislature is concerned.

(d) I am not in a position to give any definite assurance on this point at present, but Government would certainly be concerned to ascertain the views of the Legislature.

*Copy of a letter No. 3482-Home, dated the 11th May 1927, from the Honourable Mr. A. M. Stow, O.B.E., I.C.S., Chief Commissioner, Delhi, to the Joint Secretary to the Government of India, Home Department.*

In reply to your letter No. F-202/127-Public, dated the 20th April 1927, I have the honour to forward a copy of Statement 2—Temperature, in Volume B of the Delhi District Gazetteer, 1913, which has been brought up to date by the Director General of Observatories, who remarks that, as fortnightly normal of 8 hours temperature are not available, monthly normals have been given instead. He adds that the periods during which temperature changes most rapidly on the average in Delhi are the middle of March and the middle of November. The average changes occurring in April and October are exemplified by the following normal data of temperature :—

	1st.	8th.	15th.	22nd.	29th.
April { (Max.	93·4	95·5	97·9	100·0	102·2
(Min.	55·8	58·3	61·1	64·1	66·9
October { (Max.	93·4	93·3	92·5	90·7	88·2
(Min.	74·1	71·6	68·8	66·1	63·2

2. I also enclose statements supplied by the Chief Medical Officer, Delhi, showing—

- Maximum and minimum temperatures and rainfall in April, May, June, October and November 1922 to 1926 inclusive ;
- total deaths from fever during the same five months with an explanatory note dealing with exceptional conditions. Particulars for fortnightly periods cannot be furnished ;
- the number of cases of " fever " treated at the New Delhi Hospital, month by month, for the last three years.

The Chief Medical Officer, who has 3 years' experience of Delhi, points out that the diagnosis shown by these figures cannot be relied on, but that the total figures can be taken as a very reliable guide to the health of the community. He suggests that, if the Government of India contemplate spending a longer period in New Delhi than they have done hitherto, they should remain there for April, May and June which are the healthiest, although the hottest months of the year, and avoid New Delhi in October, which is the unhealthiest month. The particulars given by Colonel Franklin have been collected in collaboration with the Health Officer of New Delhi who has five years' experience of health conditions there throughout the year. It is common knowledge locally that September and October are " bad " months.

*Comparative statement showing death from fever in Delhi Province.*

			Fever.					Total deaths.				
			April.	May.	June.	October.	November.	April.	May.	June.	October.	November.
1922	..	..	514	652	706	910	800	883	1,108	1,154	1,545	1,466
1923	..	..	1,504	1,216	1,128	979	713	3,058	2,109	1,700	1,634	1,262
1924	..	..	819	961	1,105	614	635	2,169	1,797	1,666	1,195	1,226
1925	..	..	735	826	529	1,030	736	1,293	1,373	952	1,523	1,265
1926	..	..	717	1,007	1,254	1,964	1,628	1,475	1,758	2,022	2,976	2,527

In 1923 there was plague throughout Delhi Province.

In 1924 owing to the measures taken, the plague was confined to rural circles.

In 1926 there was a general epidemic of Malaria.



## SEPARATE ESTABLISHMENT FOR THE LEGISLATIVE ASSEMBLY.

37. \*Mr. Gaya Prasad Singh : (a) With reference to starred question No. 971 of the 16th March 1927, regarding a separate establishment for the Legislative Assembly, have the Government received any scheme from the Honourable the President of the Legislative Assembly for the separation of the office of the Assembly from the Legislative Department ?

(b) If so, are Government in a position to place the scheme on the table, and to indicate their decision thereon ?

Mr. W. T. M. Wright : (a) Yes, the scheme was received only yesterday and will be considered by Government with as little delay as possible, after the close of the present Session.

(b) The answer is in the negative.

Sir Hari Singh Gour : I beg to inquire if a copy of the scheme will be made available for inspection by Members on this side of the House ?

Mr. W. T. M. Wright : I am not in a position to answer that yet. We will consider the matter.

## APPOINTMENT OF A COMMITTEE OF THE GOVERNMENT OF INDIA TO CONSIDER THE QUESTION OF REFORMS AND THE STATUTORY COMMISSION.

38. \*Mr. Gaya Prasad Singh : Is it a fact that a Committee of the Government of India, consisting of the Honourable Mr. S. R. Das, the Honourable Sir Alexander Muddiman, the Honourable Sir Basil Blackett, and the Honourable Sir John Thompson, have discussed certain proposals regarding the Reforms, and the Statutory Commission, about May last ? Was there any conference held in Simla about that time ; and are Government in a position to indicate the nature of the conference, and the decision arrived therein ?

The Honourable Mr. J. Crerar : The Honourable Member is correct in supposing that the Viceroy, accompanied by certain members of his Government, held certain informal discussions, to which I presume his question refers, a short time ago. These discussions were confidential, and the Honourable Member will therefore appreciate that it is impossible for me to make any statement in regard to them.

Mr. A. Rangaswami Iyengar : Is it a fact that certain Governors were also consulted in this connection.

The Honourable Mr. J. Crerar : I have no information on that point.

## STATUTORY COMMISSION ON REFORMS.

39. \*Mr. Gaya Prasad Singh : Has there been any correspondence between the Government and the Secretary of State for India, regarding the appointment of the Statutory Commission on Reforms ; and are Government in a position to make any statement on the subject ?

The Honourable Mr. J. Crerar : The reply to both parts of the Honourable Member's question is in the negative.

OPENING BY THE BENGAL NAGPUR RAILWAY OF A BOOKING OFFICE IN THE TOWN OF PURI.

40. \*Mr. Gaya Prasad Singh : (a) Are Government aware that Puri (in Orissa) is an important place of pilgrimage, as well as a health resort ?

(b) Is it a fact that a largely-signed petition was submitted by the public and the pilgrims of Puri to the Agent, Bengal Nagpur Railway, asking for a booking office to be opened in the town ?

(c) Are Government aware that when this matter formed the subject of an interpellation in the Bihar and Orissa Legislative Council on the 8th March, last, the Local Government stated that " they are aware that the absence of such an office is a local grievance with which they have some sympathy " ?

(d) Do Government propose to have a booking office of the Bengal Nagpur Railway opened in Puri town for the convenience of the public and the pilgrims ?

Mr. A. A. L. Parsons : (a), (b) and (c). Yes.

(d) The Agent of the Railway reports that after a careful examination of the subject it has been decided that the opening of a booking office in Puri town will not be an advantage to ignorant and illiterate pilgrims, who form the bulk of the passenger traffic, as it would not be possible to supervise a booking office in the town as effectually as at the station.

Mr. B. Das : Is the Honourable Member aware that the Pilgrims' Committee in 1915-16 recommended that a booking office should be opened in Puri Town, as also in Gaya ? How is it that that recommendation has not been given effect to for so long ?

Mr. A. A. L. Parsons : The recommendation has not been given effect to for the reasons I have just given in my reply to the main question. I was not myself aware of a committee having dealt with the matter before, but I am quite prepared to take it from the Honourable Member that that is the case.

Mr. B. Das : Will the Honourable Member consult his colleagues on his left in the Department of Education, Health and Lands regarding the recommendations of the Pilgrims' Committee ?

CONSTRUCTION OF A RAILWAY FROM RISHIKESH TO KARNAPRAYAG.

41. \*Mr. Gaya Prasad Singh : Will the Government kindly state what progress, if any, has been made in the proposal to construct a railway from Rishikesh to Karnaprayag, on the way to Badri Nath, and when is the survey of the section likely to be completed ?

Mr. A. A. L. Parsons : Owing to the difficult nature of the country and the late start made last working season due to staff not being available, the progress on the Rishikesh Karnaprayag Railway survey has been rather slow. It is expected, however, that the field work will be completed by March, 1928.

### OPENING UP OF THE SANTHAL PARGANAS BY RAILWAYS.

42. \***Mr. Gaya Prasad Singh** : (a) Is it proposed to launch any railway project (East Indian Railway) in Bihar, which will open up the Santhal Parganas areas, and bring them into touch with centres of trade and industry ?

(b) Are Government aware that this tract of the country is rich in coal and iron, and awaits development ?

**Mr. A. A. L. Parsons** : (a) The Bausi-Naya Dumka-Sainthia Railway, which will serve the Santhal Parganas, is under investigation.

(b) Coal and iron are known to exist in the locality.

### REMODELLING THE STATION OF BAIDYANATH DHAM ON THE EAST INDIAN RAILWAY.

43. \***Mr. Gaya Prasad Singh** : Are Government aware that the railway station of Baidyanath Dham (East Indian Railway) is insufficient to cope with the requirements of the heavy pilgrim traffic, and is there any proposal to make necessary extensions in connection with it ?

**Mr. A. A. L. Parsons** : Government understand that the remodelling of Baidyanath Dham station has already been sanctioned by the East Indian Railway authorities and that the work is expected to be completed by 31st March 1928.

### CASES DEALT WITH BY THE RAILWAY RATES ADVISORY TRIBUNAL.

44. \***Mr. Gaya Prasad Singh** : Will the Government kindly furnish a statement, showing the number and details of cases submitted to the Railway Rates Advisory Tribunal since its inception, together with the decision or other steps in connection with them ?

**Mr. A. A. L. Parsons** : I am having a copy of the statement required placed in the Library.

**Mr. B. Das** : Will Government be pleased to state whether they have considered the advisability of changing the function of the Rates Advisory Committee to that of a Rates Tribunal, as was recommended by the Acworth Committee ?

**Mr. A. A. L. Parsons** : There is no present intention of doing so, Sir.

**Mr. B. Das** : What are the reasons why this has not been given effect to ?

**Mr. A. A. L. Parsons** : The reasons have, I think, been previously explained in this House, but I am afraid in any case it would not be possible for me to give a complete answer to that question without notice.

**Mr. B. Das** : Does the Honourable Member realise that the Rates Advisory Committee has no statutory powers ?

**Mr. A. A. L. Parsons** : I am well aware that the Rates Advisory Committee has no statutory powers.

LEGISLATION FOR THE REGULATION OF TRADE DISPUTES IN INDIA.

45. **Mr. Gaya Prasad Singh** : Is it a fact that about August 1924, the Government drafted a Bill for the regulation of trade disputes in India ? If so, what has happened to it ; and is there any such measure likely to come up before the House ?

**The Honourable Sir Bhupendra Nath Mitra** : A Bill relating to the investigation and settlement of trade disputes was drafted by the Government of India in August 1924. Thereafter it was circulated to Local Governments and published for criticism. A number of criticisms were received and it is probable that, as a result of these criticisms, it will be necessary to modify the original proposals. In this connection the provisions of the law recently passed in England are also being examined. A Bill dealing with this subject will in all probability be introduced in the next Session of this House.

WORKMEN OF THE EASTERN BENGAL RAILWAY AND MEMBERSHIP OF LABOUR UNIONS.

46. **Mr. Gaya Prasad Singh** : Has the Agent, Eastern Bengal Railway, issued a notice (No. 438-0-3-27), dated 16th March last, warning the workmen of that Railway not to join Labour Unions which have not been registered under the Trade Unions Act ? If so, what is the reason for this pressure for compulsory registration ?

**The Honourable Sir George Rainy** : The answer to the first part of the question is in the affirmative. As regards the second part of the question Government do not accept the interpretation put upon the notice by the Honourable Member. The Agent issued it in the interest of the workmen themselves.

**Diwan Chaman Lall** : May I ask the Honourable Member whether the workmen themselves are more competent to consider their own interests than the Agent ?

**The Honourable Sir George Rainy** : I do not think that arises. Sir, but I think it is clearly within the province of the Agent to take action which he believes to be in the interests of his workmen.

**Diwan Chaman Lall** : May I ask the Honourable Member whether it is not a fact that under the Trade Unions Act it is not compulsory for a union to register itself, and if workmen want to form a union there should not be any objection ?

**The Honourable Sir George Rainy** : If this is a question of law which he has put to me, I am afraid I must ask for notice.

**Mr. A. Rangaswami Iyengar** : Does not that amount to a certain amount of pressure ?

**The Honourable Sir George Rainy** : I do not think so, and I am quite sure it was not meant as such by the Agent.

**Diwan Chaman Lall** : If, as the Honourable Member has said, it was in the interests of the workmen, may I ask why the Agent refused permission for the formation of this union ?

**The Honourable Sir George Rainy :** I think it is obvious, Sir, that the Legislature having provided for the registration of trade unions, it must be to the advantage of workmen to belong to a registered union rather than an unregistered union.

**Mr. A. Rangaswami Iyengar :** But why did the Agent issue a notice if it was not to compel people ?

**The Honourable Sir George Rainy :** I do not think there was any compulsion.

**Pandit Nilakantha Das :** May I ask if this is confined to one railway ?

**The Honourable Sir George Rainy :** The notice to which the question refers relates to one railway only.

#### ISSUE OF THIRD CLASS ORDINARY RETURN TICKETS.

47. **Mr. Gaya Prasad Singh :** (a) Have the Government received any representation addressed to the Secretary, Railway Board, from certain citizens of Patna, in which the following passage occurs, relating to the grievances of third class passengers :

“ The necessity of granting third class ordinary return tickets looms large to those observers, who experience the terrible rush at the window of the third class booking office, which is always found at almost all the big stations. The rush generally at stations, such as Gaya, Patna, Allahabad, etc., is so terrible that it becomes almost impossible to reach the window, and the passengers are often left behind.”

(b) Are Government aware that the above represents a substantially correct state of affairs ? What steps have been taken to remedy this evil ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) The reply to the first part of the question is in the negative. Both the Railway Board and Railway Administrations are paying particular attention to improving the facilities for the issue of tickets to third class passengers, and I am sure that the Agent of the East Indian Railway will be glad to consider whether the arrangements at any particular station are capable of improvement, if the matter is brought to his attention by his Local Advisory Committee. But the issue of third class ordinary return tickets is likely to encourage fraudulent travelling, which, as the Honourable Member is aware, is already far too prevalent ; and the Railway Board are not therefore prepared at present to consider their issue.

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#### EXPULSION OF HINDUS FROM THE NORTH-WEST FRONTIER TRIBAL TERRITORY.

**Mr. H. G. Cocke :** With your permission, Sir, I desire to ask the Foreign Secretary if he is in a position to make a statement about the recent expulsion of Hindus from the North-West Frontier tribal territory ?

**Sir Denys Bray :** Excitement over the *Rangila Rasul* case spread to the frontier districts early in June and reached its height in Peshawar towards the latter part of July. The atmosphere became tense and caused the authorities much anxiety. Under Sir Norman Bolton's skilful handling, however, the frontier districts issued from a grave crisis without a

serious breach of the peace. For though the economic boycott of Hindus was freely advocated, especially in Peshawar, the movement met with little success ; and though in one or two villages Hindus were maltreated, order was restored on the arrest of the culprits, coupled with action under the Police Act and the Code of Criminal Procedure.

The spread of the indignation across the border into tribal territory was more serious. Here feelings, always acutely sensitive to the appeal of religion, rapidly became deeply stirred. The Afridi and Shinwari countries were inflamed by the preaching of a well-known Mullah, who called upon the tribesmen to expel the Hindus from their midst, unless they dissociated themselves in writing from the doings of down-country Hindus. The first class to expel their Hindu neighbours were the Kuki Khel and Zakka Khel on the 22nd July. Fired by their example the Shinwaris gave their Hindus notice to quit a few days later ; but after some of them had gone, agreed to allow the rest to remain. Some of the Hindus on leaving the Khyber were roughly handled. In two cases stones were thrown though happily without damage. In a third a Hindu was wounded and a large amount of property carried off ; but the property was recovered by Afridi Khassadars in full, and the culprits fined for the offence. Thereafter arrangements were made for the picketing of the road for the passage of any Hindus evacuating tribal territory. Under pressure from the Political Officer an Afridi *jirga* decided towards the end of July to suspend the Hindu boycott pending a decision in the *Vartman* case. In the following week, however, several families, who had been living in sarais at Landi Kotal moved to Peshawar, refusing to accept the assurances of the tribal Maliks, yet leaving one person from each family behind to watch over their interests. In all between four hundred and four hundred and fifty Hindus, men, women and children, came into Peshawar. The latest news is that a *jirga* of the leading Maliks has been summoned to Peshawar from various parts of Tirah to discuss their return.

It will be seen that the trouble has been confined to one small section of tribal territory in the neighbourhood of the Khyber Pass, and this localising of the movement is a matter for which Sir Norman Bolton and his officers may justly take credit. Some of the Hindus were definitely expelled ; some were induced to leave their homes by threats ; some left from fear ; some no doubt from sympathy with their neighbours. Now expulsion and voluntary exodus from tribal territory are alike without parallel. These Hindus have lived there, most of them, for more generations than they can record, as valued and respected, and indeed essential members of the tribal system, for whose protection the tribesmen are jealous and whose blood-feuds they commonly make their own, and throughout this unhappy business it has been the aim of Government to use their influence so that as soon as the passions of wrath and bitterness on either side permit, the Hindus may return to their homes and take up their old position of respect among the tribes of Tirah. Powerful economic and traditional forces are already at work to heal the breach. That the breach will be healed before long I am confident, provided always that nothing untoward arises from any malicious or thoughtless intrusion from without. I do not like to add more, lest something be said that might retard the return of these Hindus to their homes, or worse still, that might open up fresh tribal areas to the contamination of a bitterness which is now fast dying out.

**Nawab Sir Sahibzada Abdul Qaiyum :** May I know whether the Government are aware that these tribal Hindus had voluntarily and for various reasons sympathised with the Mussalmans of the country in their troubles in connection with the *Rajpal* case but that after the down-country propaganda extended to that place from their own co-religionists, they retracted their sympathy and came up to the authorities and demanded extraordinary protective measures to be taken in their favour, which according to the custom of the country, it was not the business of the authorities to interfere in ?

**Sir Denys Bray :** If the Honourable Member would allow me to say so I would venture to deprecate any questions of detail on the case.

**Mr. B. Das :** Will the Honourable Member kindly make a statement showing the result of the meeting that takes place between the Maliks and the Chief Commissioner in order to allay the feelings of the Members of this House ?

**Sir Denys Bray :** I shall gladly do so if it seems to be in the public interest that I should.

**Diwan Chaman Lall :** May I ask the Honourable Member if the Mullah who went about preaching in the territory came from Peshawar or from down-country ?

**Sir Denys Bray :** The Mullah came up from India ; he had just returned from the Haj.

**Diwan Chaman Lall :** May I ask whether any steps were taken to prohibit the entry of the Mullah into that tribal territory, or to prosecute him when he came back ?

**Sir Denys Bray :** I possibly did not make myself clear. The Mullah belongs to the trans-frontier.

**Nawab Sir Sahibzada Abdul Qaiyum :** Do Government know that there is a Mullah called " Chaknawar Mulla " who comes from Afghan territory, that on his way back from the Haj he passed through the Khyber, where there are a good many followers of his in the Shinwari and other countries, and that his preaching was also a factor in this matter ?

**Sir Denys Bray :** That is so. Sir.

## UNSTARRED QUESTIONS AND ANSWERS.

### NUMERICAL STRENGTH OF MUSLIMS AND NON-MUSLIMS IN THE CLERICAL ESTABLISHMENT OF THE PUNJAB POSTAL CIRCLE.

1. **Mr. Abdul Haye :** (a) Will the Government please lay on the table a statement showing the numerical strength of Muslims and non-Muslims employed in the clerical establishment of the Punjab Postal Circle, in each grade, in each Division and 1st class H. O. separately ?

(b) Will the Government please state what ratio Muslim officials in each Division and 1st class H. O. bore in 1900, 1910, 1920, and 1926-27 ?

(c) Will the Government state in what Postal Division and 1st class H. Os. the recruitment of Hindus is totally or partially restricted ?

(d) Will the Government place on the table a statement showing the number of Muslims and non-Muslims appointed in the clerical establishment of the Post Offices in each Division and 1st class H. O. in the Punjab since the passing of the order referred to in (c), if any ?

**The Honourable Sir Bhupendra Nath Mitra :** Government do not possess the information called for, nor do they propose to collect it as they consider that the amount of labour and expenditure involved would be disproportionate to the value of the result. Steps are being taken to ensure that in all future recruitment the policy of the Government of India in regard to communal representation in services is given effect to.

#### MEAGRE REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT.

2. **Mr. Abdul Haye :** (a) Are Government aware that great dissatisfaction exists among Muslims in the Punjab with regard to their meagre representation in the Postal Department ?

(b) Will the Government please state what steps are being taken to remove the general discontent in this respect ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government are aware of such feeling as exists on this question.

(b) In certain Head Offices and Divisions a proportion of vacancies in the clerical cadre is being reserved for the present exclusively for Muhammadan recruitment.

#### MEAGRE REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE POSTMASTER GENERAL. PUNJAB.

3. **Mr. Abdul Haye :** (a) Will the Government please state if a Muslim was ever appointed as Superintendent, Postmaster General's office. Punjab, during the last 20 years, if not, why ?

(b) Will the Government please state if a Muslim was ever appointed as Head Assistant, Postmaster General's office, if so, when and for what period ? If not, why ?

(c) Will the Government state the number of Head Clerks' appointments in the Postmaster General's office (Punjab) and in what ratio they are held by Muslims and non-Muslims ?

(d) Will the Government state the number of selection grade appointments in the Postmaster General's office, Punjab, and how many of them are held by Muslims ?

(e) If the Muslims are meagrely represented in the above-mentioned appointments in the Postmaster General's office (Punjab), what steps are Government prepared to take to increase their number ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) No ; because no senior Muslim was available at the time a vacancy occurred.

(b) No ; the appointment was created in 1919, and has since then been held by senior officials who happened to be non-Muslims.

(c) Twelve. The ratio of Muslims to non-Muslims is 1 to 5.

(d) Twenty-two,—of these three are held by Muslims.



(e) The appointments in question are filled by selection from among the senior suitable officials. Government do not propose to take any steps to modify the existing method of selection so as to base the selection on principles of communal representation.

#### TRANSFER OF OFFICIALS IN THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

4. **Mr. Abdul Haye :** Will the Government state whether formerly officials in the Postmaster General's office were transferred to Circle appointments and *vice versa* ? If so, why has this practice been discontinued ?

**Mr. H. A. Sams :** Transfers of officials belonging to the Postmaster General's office to Circle appointments and *vice versa* used to be made and are still made in exceptional circumstances to meet the exigencies of the public service.

#### PERIOD OF EMPLOYMENT OF MR. NAUBAT RAI IN THE PUNJAB CIRCLE AS PERSONAL ASSISTANT AND DEPUTY POSTMASTER GENERAL.

5. **Mr. Abdul Haye :** Will the Government state for how long Mr. Naubat Rai has been in the Punjab Circle office both as P. A. and Deputy Postmaster General ?

**Mr. H. A. Sams :** Rai Bahadur Naubat Rai has been in the Punjab Circle as P. A. for 2 years 8 months and 12 days and as Deputy Postmaster General for 4 years and 11 days.

#### APPOINTMENT OF MUSLIMS AS PROBATIONARY SUPERINTENDENTS OF POST OFFICES.

6. **Mr. Abdul Haye :** Will the Government please state how many appointments of Probationary Superintendents of Post Offices were made from 18th August 1925 to 1st April 1927 and how many of them were Muslims ?

**Mr. H. A. Sams :** Six appointments of Probationary Superintendents of Post Offices were made between the 18th August 1925, and the 1st April 1927. None of them were Muslims.

#### MAXIMUM PERIOD OF EMPLOYMENT OF AN OFFICER AS DEPUTY POSTMASTER GENERAL OF A CIRCLE.

7. **Mr. Abdul Haye :** Will the Government please state what is the maximum period for a Deputy Postmaster General to work in a Circle ?

**Mr. H. A. Sams :** No definite period is prescribed.

#### EDUCATIONAL GRANT TO THE BHARATI SCHOOL COMMITTEE OF THE HINDUS OF KOHAT FOR THE CONSTRUCTION OF THEIR HIGH SCHOOL.

8. **Pandit Thakur Das Bhargava :** (1) Have the Government helped the distressed Hindus of Kohat by any educational grant in the last year or the present year ?

(2) Have the Bharati School Committee of the Hindus of Kohat applied for a grant-in-aid for the construction of their High School ?

(3) If so, has the grant been sanctioned ? What is its amount ?

(4) If none has been sanctioned so far, will the Government consider sympathetically the justice of sanctioning the grant as soon as possible ?

**Mr. A. R. Dalal :** (1) Yes.

(2) Yes.

(3) No. The plans and estimates of the proposed building are under scrutiny ; the amount of grant cannot be determined until the scrutiny is complete.

(4) The case will be considered under the rules laid down in the Education Code of the North-West Frontier Province.

#### HINDU AND MUHAMMADAN COLLEGES, HIGH SCHOOLS AND MIDDLE SCHOOLS IN THE NORTH-WEST FRONTIER PROVINCE.

9. **Pandit Thakur Das Bhargava :** (1) Will the Government be pleased to state how many Hindu Colleges, High and Middle Schools exist in the North-West Frontier Province ?

(2) Will the Government be pleased to state how many Muhammadan Colleges, High and Middle Schools exist in the North-West Frontier Province ?

(3) Do Government pay any grant-in-aid to any such Hindu College, High or Middle Schools ? If so, how much ?

(4) Do Government pay any grant-in-aid to any such Muhammadan College, High or Middle Schools ? If so, how much ?

**Mr. A. R. Dalal :** The information is given below :

(1)

College	..	..	..	..	..	1
High schools	..	..	..	..	..	9
Middle schools for boys	..	..	..	..	..	5
Middle schools for girls	..	..	..	..	..	5
						<hr/> 20

(2)

College	..	..	..	..	..	1
High schools	..	..	..	..	..	5
Middle schools	..	..	..	..	..	2
						<hr/> 8

(3) Yes ; Rs. 10,000 a year to the College and Rs. 94,939 a year to the High and Middle schools.

(4) Yes ; Rs. 80,000 a year to the College and Rs. 67,723 a year to the High and Middle schools.

#### INCREASE OF THE WATER TAX IN THE KASAU LI CANTONMENT.

10. **Pandit Thakur Das Bhargava :** (1) When were the waterworks at Kasauli established and who stood the expenses ?

(2) What is the rate of water tax realised from the citizens of Kasauli Cantonment ?

(3) Is it proposed to increase the water taxes in Kasauli ?

(4) Have the Cantonment Board of Kasauli taken over certain pipes and do they propose to pay for the extra water supply for the civil population at the rate of Rs. 2-8-0 per thousand gallons ?

(5) Is it a fact that a public meeting of the citizens of Kasauli was held to enter emphatic protests against the contemplated proposals mentioned in part 4, and did a deputation of citizens wait upon the Executive Officer in this connection ?

(6) What was the ultimate decision of the Cantonment Board ?

(7) In view of increased cost of living and other hardships occasioned by increasing the water taxes at Kasauli, do the Government propose to drop the proposals, if any, for increasing the water tax at Kasauli ?

**Mr. G. M. Young :** (1) The waterworks at Kasauli were established in 1904 at the expense of the State.

(2) The existing water rate is Rs. 2 per 1,000 gallons. The existing water tax is :

(a) 3 per cent. on the annual rental of buildings within 1,000 feet of the nearest standpost, and

(b)  $1\frac{1}{2}$  per cent. on the annual rental of buildings beyond 1,000 feet of the nearest standpost.

The question is under consideration in view of the fact that the loss to the State during 1925-26, under the existing rates, amounted to Rs. 50,022.

(4). (a) No. The water costs Rs. 2-8-0 per 1,000 gallons to produce, and the Military Engineer Services have claimed to be paid at this rate. The question of accepting this enhanced rate is under consideration by the Cantonment Board.

(5) A meeting of the residents of the bazaar was held on the 16th January 1927, and a copy of the proceedings was sent to the Cantonment Board in the form of a petition. No deputation waited on the Executive Officer, but on the invitation of the President a deputation representing the residents of the bazaar attended a meeting of the Board held on the 19th January 1927. The whole situation was explained and the Board assured the deputation of sympathetic treatment.

(6) The Cantonment Board has not yet come to a decision on the subject.

(7) No, but the Government are considering the possibility of assisting Cantonment Authorities generally by grants-in-aid to pay for water supplied by the Military Engineer Services at full rates.

#### COMPLAINTS OF HOUSE OWNERS IN THE AMBALA CANTONMENT REGARDING THE INACCURACY OF THE SURVEY PLAN.

**11. Pandit Thakur Das Bhargava :** (a) Is it a fact that the owner of a house in B. C. Bazar, Ambala Cantonment, applied to the Cantonment Authority for permission to reconstruct his house on a more sanitary plan ?

(b) Is it a fact that on receiving the application the Executive Officer found that the house in question did not exist in the Survey Plan and the site under the house was shown there as an open plot ?

(c) Is it a fact that the Executive Officer, on his own authority, not only rejected the application of the house owner but also directed him to demolish the house as it was an encroachment according to the Survey Plan ?

(d) Is it a fact that on the protest of the non-official members, the Executive Officer withdrew the notice of demolition issued by him, but insisted on the application being referred to the Government of India for orders ?

(e) Are Government aware that the Survey Plan in Ambala was prepared by petty subordinates of the Cantonment Authority in 1902 without informing the people of the results of the survey and giving them an opportunity to contest the same where they conflicted with their rights ?

(f) Is it a fact that in scores of cases in the past the Survey Plan has been found to be wrong and has either shown houses where none existed or shown sites of old houses as vacant plots ?

(g) Are Government aware that in the past the Cantonment Authority in Ambala has been deciding each case, where the Survey Plan has not tallied with the existing conditions of land, on its merits ?

(h) Is it a fact that some secret instructions were issued by Colonel Lawrinson in November 1926 directing the Executive Officer to stick to the Survey Plan regardless of its discrepancies ?

(i) Is it a fact that these instructions having been enforced by the Executive Officer with the support of the official members have caused great hardships to house owners in Ambala Cantonment and trampled upon their rights in many cases ?

(j) Do Government propose to issue instructions that the Survey Plan not being a conclusive document of title, the discrepancies therein should be dealt with as in the past on the merits of each case ?

**Mr. G. M. Young :** (a) and (b). Yes.

(c) No. The Cantonment Board directed the Executive Officer to issue a notice to remove the encroachment.

(d) The notice was withdrawn and the case referred to higher authority.

(e) No. The Plan of 1902-03 was correctly prepared by the Survey of India.

(f) The Government of India are informed that this is not the case.

(g) Government have no information of individual cases.

(h) The Government of India understand that no such instructions were issued to the Executive Officer.

(i) Does not arise.

(j) The Government do not propose to issue any such instructions, but they have no doubt that any case in which discrepancies are disclosed will be dealt with on the merits.

## ELECTRIC STREET LIGHTING OF THE SADAR BAZAR, AMBALA.

12. **Pandit Thakur Das Bhargava :** (a) Are Government aware that a large portion of the Sadar Bazar, Ambala, with a population of 10,000, is still without electric street lighting ?

(b) Is it a fact that for further extension of electric street lighting, a sum of Rs. 70,000 was provided for in the budget of 1927-28 ?

(c) Is it a fact that the major portion of this allotment has been diverted from the Sadar Bazaar and is being spent on providing electric lights on the roads leading to N. I. Lines ?

(d) Is it a fact that there are very few bungalows on these roads ?

(e) Do the Government propose in view of the obvious undesirability of the proposal to direct that the same may not be given effect to ?

**Mr. G. M. Young :** (a) Government are informed that the greater part of the Sadar Bazaar has already been provided with electric street lighting. They are not aware of the exact extent of the area still unlighted.

(b) No. A sum of Rs. 7,000 only was provided for the whole Cantonment.

(c) No. Less than half the budgetted sum is to be utilised for this purpose.

(d) No.

(e) No. The Government do not regard the proposal as undesirable.

## APPOINTMENT OF THE VICE-PRESIDENT OF THE CANTONMENT BOARD, AMBALA, AS CHAIRMAN OF ALL SUB-COMMITTEES.

13. **Pandit Thakur Das Bhargava :** (1) Is it a fact that in the regulations framed under section 44 of the Cantonments Act by the Cantonment Board, Ambala, in June 1926 and submitted after the unanimous approval of the Cantonment Board to the Local Government, it was provided that the Vice-President should be the *ex-officio* Chairman of all sub-committees ?

(2) Is it a fact that in the meeting of the Cantonment Board held on 28th February 1927, it was decided by a majority of votes that instead of the Vice-President, as originally proposed, the President should be the Chairman of all sub-committees ?

(3) Are Government aware that the above majority consists mainly of the official members ?

(4) Is it a fact that the Government of India have recognised that at the present time, the non-official Vice-President is a figurehead in a Cantonment Board and has held out assurances, to the All-India Cantonments Association that the Government would shortly either by executive instructions or by a modification of the Cantonments Act, confer increased and definite powers upon the Vice-President ?

(5) If the reply to the above question be in the affirmative, do the Government intend to take steps that the amendment proposed and passed by the majority of the Cantonment Board to make the President

instead of the Vice-President Chairman of the sub-committees, is not accepted by the Local Government ?

**Mr. G. M. Young :** I am making enquiries and will let the Honourable Member know the result.

**REGULATION RELATING TO THE LAYING OF PAPERS APPERTAINING TO THE AGENDA OF THE CANTONMENT BOARD, AMBALA, ON THE TABLE FOUR DAYS BEFORE A MEETING.**

**14. Pandit Thakur Das Bhargava :** (1) Is it a fact that in the regulations submitted to the Local Government for approval by the Ambala Cantonment Board under section 44 of the Cantonments Act in June 1926, it was provided that the Secretary shall lay on the table all the papers pertaining to the agenda four days before the date of a meeting of the Cantonment Board ?

(2) Is it a fact that in the amended form in which the regulations have been adopted in the meeting of the Cantonment Board held on 28th February 1927 by a majority of votes mainly official, it has been proposed to reduce four days to two ?

(3) Are Government aware that there are bulky papers, files and account papers to be seen by a member before he is able to express his opinion about the same in the next meeting of the Cantonment Board ?

(4) Are Government aware that the responsible non-official members of the Board filed a strong note of dissent protesting against the change ?

(5) Do Government propose to take steps to see that the amendment is not approved by the Local Government ?

**Mr. G. M. Young :** I am making enquiries and will let the Honourable Member know the result.

**COMPLAINTS OF HOUSE-OWNERS IN AMBALA CANTONMENT.**

**15. Pandit Thakur Das Bhargava :** (1) Is it a fact that when an owner of a house in a cantonment having a large compound attached to it, desires to sub-divide the compound, for building another house, the Cantonment Authority requires him to execute a fresh lease for the whole site ?

(2) Will the Government be pleased to lay on the table the number of cases with particulars, in Ambala Cantonment, in which a fresh lease has been demanded in case of the sub-dividing of the site during the last three years ?

(3) Will the Government quote the law under which such lease is demanded ?

(4) Is it a fact that the demand for a new lease has been made in Ambala Cantonment even where the site happens to be an old free grant ? If so, why ?

(5) Are Government aware that this practice has caused great discontent among the house-owners in Ambala Cantonment who contend that the municipal powers of the Cantonment Authority should not be used to destroy people's rights in land ?

(6) Will the Government be pleased to state in what way Government interests will suffer, if a house-owner is allowed to build another house, on the old existing site already in his occupation ?

**Mr. G. M. Young :** (1) If the site belongs to Government, Government requires a fresh lease to be executed for the sub-divided portion only.

(2) The answer is in the negative.

(3) A fresh lease is required by Government as landlord before agreeing to any large modification of the purposes to which the site is put.

(4) Government have no information whether a demand has actually been made in such a case, but, if it has, they consider that it is within the legitimate rights of a landlord. Government remains the owner of cantonment land, even when the grant is free of rent ; and retains the right to resume whenever it so desires.

(5) Government are not aware of the existence of any discontent ; nor are the municipal powers of the Cantonment Authority in any way concerned.

(6) Government interests are liable to suffer, if land that is in their ownership is subjected by the tenant to any encumbrance not provided for in the original grant.

#### EXPENDITURE ON ROADS IN THE BAZARS IN AMBALA CANTONMENT.

**16. Pandit Thakur Das Bhargava :** (1) Are Government aware that out of Rs. 23,000 set apart for Cantonment Fund Roads in Ambala, the Cantonment Board has, by an official majority of votes, allotted only Rs. 8,500 for roads in the bazars and decided to spend the large balance of Rs. 14,500 on roads in the Cantonment area outside the bazars ?

(2) Are Government aware that prior to the constitution of the elected board in Ambala, a very large portion of the grant under roads was spent from year to year on the roads outside the bazars with the result that some of the metalled roads of the bazars were not renewed for over a score of years and several roads continued to be ' kachha ' as at the time of the establishment of the Cantonment ?

(3) Is it within the knowledge of the Government that five non-official members including the Vice-President pressed for Rs. 15,500 being spent on the bazar roads and the balance for the outside ?

(4) Is it a fact that the bazars contribute 70 per cent. of the Cantonment Fund, have all local trade and industry there and have several kachha roads without drains which by becoming marshy in the rainy season form a great menace to public health ?

(5) Is it a fact that the official members disregarded the wishes of the elected members in this respect and put forth the plea of dividing the grant between the two areas according to the length of roads in each ?

(6) Are Government aware that the condition of roads in the two areas differs greatly and the bazar roads stand no comparison with roads outside ?

(7) Have Government seen the note of dissent filed by the elected members against the decision of the majority, namely, the official members ?

(8) Do Government propose to go through the note and direct if they think fit, that the grant under roads be divided as suggested by the elected members—at least for the next year ?

**Mr. G. M. Young :** (1) The figures quoted by the Honourable Member are correct : but, as by themselves they might convey a wrong impression, I may add that in the previous year 1926-27, Rs. 40,000 were spent on roads in the bazaars and only Rs. 5,000 on roads in the Cantonment area outside the bazaars.

(2) Government are informed that the facts are not as stated in the question.

(3) Yes.

(4) It is difficult to estimate the actual contribution of the bazaars to the income of the cantonment, as much of the wealth of the bazaars is derived from the cantonment area outside the bazaars. Government understand that the Cantonment Board is pursuing a policy of gradual improvement in the roads and drains throughout the whole cantonment.

(5) No, Sir. Government are informed that the matter was reported on by a special Committee, and that both points of view were put forward and fully discussed in the Cantonment Board.

(6) No, Sir. Government are informed that the bazaar roads are in a better condition, if anything, than those outside the bazars, as the result of the very large expenditure recently incurred on the former.

(7) and (8) The answer is in the negative.

#### PUBLICATION OF THE AMENDMENTS MADE BY THE CANTONMENT BOARD, AMBALA, TO THE REGULATIONS FRAMED UNDER SECTION 44 OF THE CANTONMENTS ACT.

**17. Pandit Thakur Das Bhargava :** (1) Are Government aware that section 44 (3) of the Cantonments Act requires that the regulations framed under section 44 be published for public objections in such manner as the Local Government may prescribe ?

(2) Is it a fact that the Local Government of the Punjab have so far prescribed no system or procedure of publication for such regulations ?

(3) Are Government aware that the Central Provinces Government have decided that such regulations framed by the Cantonment Board of the Cantonments in its jurisdiction, should be translated into the vernacular of the Province, displayed at conspicuous places, announced by beat of drum and published in the local Gazette and other papers having circulation in the Cantonment concerned ?

(4) Are Government aware that no such thing was done by the Ambala Cantonment Board when it framed its regulations in June 1926 ?

(5) Is it a fact that these regulations have been materially altered by the Cantonment Board, Ambala, by a majority of votes in its meeting of 28th February 1927 and submitted to the Local Government without notifying the amendments to the public or inviting their opinions and views about the same ?

(6) Do Government propose to direct that the regulations be published in the manner adopted by the Central Provinces Government, before these are considered and approved by the Local Government ?



(7) Are Government aware that there is a strong public feeling against the non-publication of these amendments and that several non-official members have filed notes of dissent against non-publication ?

(8) Do Government propose to peruse those notes of dissent and see that the regulations are passed in a way that their legality may not be challenged in future ?

**Mr. G. M. Young :** I am making enquiries and will let the Honourable Member know the result.

#### GRANT OF PERMISSION TO NON-MEMBERS TO ADDRESS MEETINGS OF THE CANTONMENT BOARD, AMBALA.

**18. Pandit Thakur Das Bhargava :** (1) Are Government aware that in the regulations framed by the Cantonment Board, Ambala, under section 44 of the Cantonments Act, provision has been made to allow a person, not a member of the Board, to address a meeting of the Board, if the majority of the members present desire the same ?

(2) Is it a fact that in the meeting of the Cantonment Board held on 28th January 1927, the President allowed one Mian Khan to address the meeting and on an objection being raised by the Vice-President to the illegality of the procedure, a reference was made to the Northern Command to give a ruling on the point ?

(3) Is it a fact that the Northern Command in its letter No. 36264-A.I.L.C., dated 10th February 1927, informed the President that no one who was not a member of the Board could address its meeting ?

(4) Are Government aware that in spite of this ruling, the Cantonment Board, Ambala, in its meeting held on 28th February 1927, decided by a majority of votes that permission to address the meeting of the Board could be given to a non-member if the majority of the members so desired ?

(5) Are Government aware that there being a standing majority of official members in the Cantonment Board, the regulation in question would practically give them the power of allowing outsiders to speak in or address a meeting of the Cantonment Board ?

(6) Do Government propose to direct that this regulation be cancelled as being both illegal and opposed to the instructions given by the Northern Command ?

**Mr. G. M. Young :** I am making enquiries and will let the Honourable Member know the result.

#### IMPROPRIETY OF DISCUSSIONS OF THE AGENDA OF BUSINESS BY THE PRESIDENT OF THE CANTONMENT BOARD, AMBALA, WITH INDIVIDUAL MEMBERS, BEFORE THE MEETING.

**19. Pandit Thakur Das Bhargava :** (1) Is it a fact that the President, Ambala Cantonment Board, discussed certain items of the agenda fixed for the meeting of the Cantonment Board, Ambala, held on 28th January 1927, some days before the date of meeting, with a member of the Cantonment Board ?

(2) Is it a fact that on the fact coming to the notice of the Vice-President, he wrote to the President to come to the meeting with an open

mind and to protest against his discussing the agenda with individual members before coming to the meeting ?

(3) Are Government aware that as a result of these secret discussions, the Cantonment Board either approved the decisions already arrived at and brought in typed form to the meeting or passed them by a majority of votes ?

(4) Do Government propose to issue instructions as to the impropriety of such discussions by the President with individual members before the meeting is held ?

(5) Do Government propose to put a stop to the practice of bringing in, by the Executive Officer, of typed decisions already arrived at in such secret meeting, to be passed by the Board or at any rate by the standing official majority ?

**Mr. G. M. Young :** (1), (2), (3), (4) and (5). The Government of India have no information of this incident, and propose to take no action. They see no reason why the President of a Cantonment Board should not discuss the agenda with any member of the Board at his discretion.

#### REJECTION OF MOTION FOR ADJOURNMENT PROPOSED BY NON-OFFICIAL MEMBERS OF THE CANTONMENT BOARD, AMBALA.

**20. Pandit Thakur Das Bhargava :** (1) Are Government aware that a motion for adjournment of the meeting of the Ambala Cantonment Board was brought forward by 5 non-official members, as a protest against certain high-handed and illegal acts of the President ?

(2) Will the Government state the circumstances under which the adjournment motion was brought forward ?

(3) Is it a fact that after the motion was rejected by a majority of votes, mainly official, the non-official members filed a note of dissent stating the facts which necessitated the motion ?

(4) Do Government propose to direct the official President of Ambala Cantonment Board to show greater regard and consideration to the views of the non-official members ?

**Mr. G. M. Young :** (1), (2) and (3). The Government understand that a motion for adjournment was put forward and rejected by a majority of the votes of the Board including those of certain elected members, and that certain other elected members filed a note of dissent. They are not aware of the grounds on which the motion was put forward and do not consider that any useful purpose would be served by making enquiries.

(4) The answer is in the negative.

#### HOLDING IN CAMERA OF MEETINGS OF THE CANTONMENT BOARD, AMBALA.

**21. Pandit Thakur Das Bhargava :** (1) Are Government aware that in the ordinary meeting of the Cantonment Board, Ambala, held on 29th January 1927 and in the special meeting of the same Board held on 5th February 1927, the President directed the discussion of one or two items in camera ?

(2) Is it a fact that as required by section 42 of the Cantonment Act, no reasons were recorded by the President for the decision of these items in camera ?

(3) Are Government aware that on the Vice-President's pointing out the illegality, the President on 28th February 1927, while confirming the

proceedings of the meetings mentioned above, added to the proceedings that the meeting was held in camera, in the interests of the Cantonment Board ?

(4) Do the Government know that the giving of this vague reason has caused great stir among the people, some of whose representatives had to leave the meeting when it was declared to be held in camera ?

(5) Will the Government be pleased to enquire why the reasons were not recorded at the time the meeting was held in camera and why these reasons were not specified ?

**Mr. G. M. Young :** (1) Yes.

(2) No.

(3) The Government of India understand that the President did not record his reasons in writing until his attention was drawn to the section.

(4) The Government are informed that there was no stir.

(5) In view of the facts stated above, the Government do not propose to make any further enquiry into this incident.

#### INDIANIZATION OF THE SUPERIOR SERVICES.

22. **Mr. N. M. Joshi :** Will Government be pleased to place on the table a statement on the Indianization of each of the Superior Services for 1920, 1921, 1922, 1923, 1924, 1925 and 1926 showing :

(a) the number of posts in each Service at the beginning of each year, new posts created and number of posts at the end of the year ;

(b) the number and percentage of Indians and non-Indians at the beginning and at the end of each of these years :

(c) the number of vacancies and newly created posts filled during each of these years by Indians and non-Indians and also their percentage ;

(d) the percentage recommended by the Lee Commission ?

**The Honourable Mr. J. Crerar :** I would refer the Honourable Member to the statements laid on the table in reply to his questions of the 15th September 1921, the 2nd July 1923, and the 8th March 1924, and in reply to Mr. J. Chaudhuri's question of the 8th September 1922. A statement showing the progress of Indianization during the years 1924 and 1925 and the position on the 1st January 1925 and the 1st January 1926 was placed in the Library of the House during the earlier part of the Session, and a further statement, bringing the figures up to the 1st January 1927, has since been placed in the Library. These statements, I think, show in a convenient form what is essential for observing the progress of Indianization, and I hope will meet the requirements of the Honourable Member.

The percentages of recruitment recommended by the Lee Commission are stated in Chapter V of their Report.

#### GRANT OF COMPENSATION TO THE HEIRS OF ROLLA SINGH, MOTOR VAN DRIVER, KILLED IN THE CALCUTTA RIOTS.

23. **Mr. N. M. Joshi :** (a) Will Government be pleased to state whether any compensation has been given to the heirs of Mr. Rolla Singh,

driver of the motor van killed during the Calcutta riots and, if so. how much ?

(b) Will Government be pleased to state whether they have not yet come to a decision and if they have not, will they explain the cause of delay ?

**Mr. H. A. Sams :** (a) Yes. A gratuity of Rs. 600 was sanctioned for the widowed sister of the late Rolla Singh.

(b) Does not arise.

#### CONSUMPTION OF OPIUM IN INDIA.

24. **Mr. N. M. Joshi :** Will Government of India be pleased to give a statement of the figures in seers of the consumption of opium per 10,000 population in the different provinces of India also mentioning separately the figures for some of the largest cities ?

**The Honourable Sir Basil Blackett :** A statement showing opium consumption per 10,000 of population in the various provinces of British India and in some of the districts containing large cities, for the three years, 1923-24 to 1925-26, is laid on the table.

(Opium consumption per 10,000 in seers.)

#### STATEMENT I.

Provinces.	1923-24.	1924-25.	1925-26.
Madras .. .. .	8.27	8.26	8.41
Bombay Presidency proper .. ..	16.78	16.43	15.27
Sind .. .. .	17.98	18.27	17.14
Bengal .. .. .	8.55	8.59	8.55
Bihar and Orissa .. .. .	7.75	7.50	7.37
Assam .. .. .	47.70	48.61	44.21
Burma .. .. .	23.37	22.35	21.55
United Provinces .. .. .	5.32	5.13	4.85
Central Provinces and Berar .. ..	21.88 (1923)	22.88 (1924)	22.81 (1925)
Punjab .. .. .	16.13	16.28	18.20
Delhi .. .. .	See Statement II.		
North-West Frontier Province .. ..	12.78	10.74	8.48
Ajmer-Merwara .. .. .	56.46	62.38	67.32
Coorg .. .. .	2.13	2.31	2.07
Baluchistan .. .. .	6.95	7.98	6.96

## STATEMENT II.

Districts.	1923-24.	1924-25.	1925-26.
Calcutta .. .. .	92.46	89.75	86.96
24-Parganas .. .. .	20.36	20.93	19.27
Howrah .. .. .	16.26	16.49	15.80
Rangoon .. .. .	110.10	89.39	83.05
Madras .. .. .	26.24	24.94	27.31
Bombay .. .. .	42.35	35.85	27.95
Cawnpore .. .. .	24.70	24.75	23.44
Delhi .. .. .	20.35	25.49	32.18

## OPENING OF A HOSPITAL FOR RAILWAY SERVANTS IN JHANSI CITY.

25. Mr. N. M. Joshi : (a) Are Government aware that a large number of railway servants residing in Jhansi City have to go to take medicine and get their attendance marked in the railway hospital when they are on sick list leave ?

(b) How far is this hospital from the City ?

(c) Will the Government consider the advisability of opening a hospital in the Jhansi City ?

Mr. A. A. L. Parsons : (a) It is not compulsory for the railway servants residing in Jhansi City to go to the railway hospital when sick. They have the option of being attended to by their own family doctor provided they report their illness to the Railway Medical Officer in charge of their station within 48 hours.

(b) Approximately  $2\frac{1}{4}$  miles.

(c) The question of opening a branch dispensary at Jhansi City was taken up in 1921, but a dispensary at the place was not considered justified at the time. In view of the recent growth of the station, the question whether such a dispensary is now justified is again under the consideration of the railway administration.

## NON-EMPLOYMENT ON SATURDAYS OF WORKERS ON DAILY WAGES IN RAILWAY WORKSHOPS.

26. Mr. N. M. Joshi : (a) Is it a fact that men on daily wages in workshops are given holidays on Saturdays also ? If so, since when has this practice been started and why ?

(b) What savings have the Government effected by adopting this procedure ?

(c) Has this practice been started in the Jhansi City only or throughout the Great Indian Peninsula Railway ?

(d) Are Government aware that a similar practice has also been started in the Madras and Southern Mahratta Railway workshop at Perambur ?

Has any other Railway in India adopted this practice ?

(e) Are Government aware that the workers are getting less wages on account of this practice ?

(f) Will Government be pleased to state what they propose to do to make up the loss in wages which the workers suffer ?

**Mr. A. A. L. Parsons :** (a), (c) and (d). As a general practice workshops are kept open on Saturdays. Recently some portions of the Jhansi Workshops on the Great Indian Peninsula Railway were closed on Saturdays for a short period, as the public traffic requirements would not permit of sufficient vehicles being sent in for periodical repairs. The workshops on the Madras and Southern Mahratta Railway were also closed on Saturdays for a short period owing, I believe, to absenteeism. In both these cases the practice of keeping the workshops open on Saturdays has been resumed.

(b), (e) and (f). In view of the reply to (a) the question does not arise.

#### CONTRACT WITH THE EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY NOT TO ENGAGE ON PRIVATE WORK ON SUNDAYS AND HOLIDAYS.

27. **Mr. N. M. Joshi :** Is it a fact that workers in railway workshops have been bound by contract not to take up any other work on Sundays, Saturdays and other holidays for which they do not get any pay from the Railways ?

**Mr. A. A. L. Parsons :** Under the terms of his agreement no employee of the Great Indian Peninsula Railway can carry on or be interested in any business or trade without the permission of the authorities.

#### POSTING OF ORDERS AND CIRCULARS ON NOTICE BOARDS IN THE JHANSI RAILWAY WORKSHOPS.

28. **Mr. N. M. Joshi :** Is it a fact that orders and circulars are not posted on Notice Boards in the Jhansi workshops ; if not, why not ?

**Mr. A. A. L. Parsons :** No. Orders and circulars intended for workmen are posted on the Notice Board in the Jhansi workshops..

#### INDIAN GUARDS AND DRIVERS EMPLOYED ON THE MAIN LINE OF THE GREAT INDIAN PENINSULA RAILWAY.

29. **Mr. N. M. Joshi :** Will Government be pleased to state how many Indian guards and drivers are running on the main line of the Great Indian Peninsula Railway for passenger trains and for goods trains ?

**Mr. A. A. L. Parsons :** Government have no information.

#### MEDICAL CERTIFICATES OF EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

30. **Mr. N. M. Joshi :** Will Government be pleased to state whether the certificates regarding sickness of railway employees of the

Great Indian Peninsula Railway issued by the Civil or Assistant Surgeons are not accepted by the railway authorities ; if not, why not ?

**Mr. A. A. L. Parsons :** The certificates are accepted if countersigned by Railway Medical Officers.

#### SICK LEAVE PAY OF EUROPEANS AND INDIANS ON RAILWAYS.

31. **Mr. N. M. Joshi :** (a) Is it a fact that the European staff on Indian Railways when on the sick list get full pay and the Indians only half pay ? If so, why ?

(b) Is it a fact that the sick leave period of the European staff is excluded from long leave while in the case of Indians, it is not ? If so, why ?

**Mr. A. A. L. Parsons :** The position as stated in the questions only applies, as far as State-managed Railways are concerned, to old employees of the old East Indian and Great Indian Peninsula Railway Companies, who were taken over by the State under the original terms of service. It does not apply to employees of those Railways appointed since the lines came under State management, who have been brought under the Fundamental Leave Rules, nor does it apply to the other State-managed Railways.

The State Railway leave rules are now under revision and the employees of the old East Indian and Great Indian Peninsula Railway Companies will be given the option of electing these new rules, when issued, under certain conditions.

The position also on most of the Company-worked Railways is as stated in the question, but the leave rules for the employees on these Railways are framed by the Board of Directors under their own powers subject to the condition that the rules are within the basic rules prescribed by Government for Company-worked Railways. Under the terms of the contracts Government cannot interfere with the discretion of the Board of Directors in this matter.

#### INTRODUCTION OF THE FUNDAMENTAL LEAVE RULES ON THE GREAT INDIAN PENINSULA RAILWAY.

32. **Mr. N. M. Joshi :** (a) Is it a fact that the Fundamental Leave Rules are not yet brought into force on Great Indian Peninsula Railway ? If not, why not ?

(b) Will the Fundamental Leave Rules apply to all new as well as to the old employees of the Great Indian Peninsula Railway ?

**Mr. A. A. L. Parsons :** The Honourable Member is referred to the answer just given to his question No. 31.

#### GOODS SHED ACCOMMODATION AT JHANSI STATION.

33. **Mr. N. M. Joshi :** (a) Are Government aware that the goods shed on the Jhansi Station platform is quite insufficient to meet the needs of the traffic of the Station ?

(b) Is it a fact that goods remain lying in open space for several days for being despatched and delivered and that much loss is caused by rain thereby ?

(c) Will the Government consider the advisability of erecting sheds early ?

(d) Why has Orai Station (on the Jhansi-Cawnpore section) been abolished as a Headquarters and Chauranah opened instead ?

(e) Has the change increased the hours of duty of the drivers to 18 hours ?

**Mr. A. A. L. Parsons :** (a) No. The goods shed accommodation at Jhansi was increased by 25 per cent. early this year.

(b) No complaints to this effect have been received.

(c) This is not considered necessary.

(d) and (e). The engine-runs on the Jhansi-Cawnpore section have recently been revised, but the change of engine crews at Chauranah instead of at Orai has not increased the hours of duty of drivers to 18 hours.

#### SUPPLY OF WATER NEAR THE GOODS SHED AT JHANSI.

34. **Mr. N. M. Joshi :** Is it a fact that there is no arrangement for the supply of water near the goods shed at Jhansi ?

**Mr. A. A. L. Parsons :** The reply is in the negative.

There is a stand pipe and a howd near the goods shed and chatties at the gate lodge at Jhansi station.

#### WIRE FENCING OF THE RAILWAY LINE IN THE JHANSI-MANIKPUR SECTION.

35. **Mr. N. M. Joshi :** (a) Is it a fact that there is no wire fencing on both sides of the railway line in the Jhansi-Manikpur section ?

(b) Will Government be pleased to state how many animals were run over by the absence of wire-fencing during the past year ?

**Mr. A. A. L. Parsons :** (a) The Jhansi-Banda portion of the Jhansi-Manikpur section is unfenced.

(b) During the 13 months January 1926 to January 1927, 61 animals were run over on the unfenced length or an average of 0.51 animals per mile as compared to 0.34 per mile on the fenced portions of the Jhansi Division.

#### CHARGE OF FULL FARE TO RAILWAY SERVANTS FAILING TO GET THEIR PASSES INITIALLED.

36. **Mr. N. M. Joshi :** Is it a fact that full fare is now being charged from railway servants if they fail to get their passes initialled on the journey ? If so, why ?

**Mr. A. A. L. Parsons :** The penalty of being treated as passengers without tickets was imposed on railway servants who failed to comply with the rule requiring that passes should be dated before commencement of journey, in order to prevent passes being used more than once.



### PERIOD OF MID-DAY REST IN THE WORKSHOPS AT JHANSI.

37. **Mr. N. M. Joshi :** (a) Will Government be pleased to state when the workshop at Jhansi remains closed for mid-day rest and for what period ?

(b) Is it a fact that the open space where they used to sit and take their food is just being fenced ?

**Mr. A. A. L. Parsons :** (a) Jhansi workshops are closed for the mid-day rest from 11 to 12 hours, Monday to Friday.

(b) Yes.

### PERIODICAL MEDICAL EXAMINATION OF RAILWAY EMPLOYEES.

38. **Mr. N. M. Joshi :** (a) Is it a fact that men in railway service are now medically examined periodically ? If so, why ?

(b) How many workers after this examination have been discharged or reduced during the last three years on the Great Indian Peninsula Railway and how many of them were Indians and how many were Europeans ?

**Mr. A. A. L. Parsons :** (a) I would refer the Honourable Member to the reply given to question No. 141 asked by Dr. K. G. Lohokare on the 20th August, 1926.

(b) Government have no information.

### REDUCTION OF THE HOURS OF WORK OF THE STATION COMMERCIAL STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

39. **Mr. N. M. Joshi :** (a) Are Government aware that the Great Indian Peninsula Railway station commercial staff have to work for twelve to fourteen hours a day ?

(b) Is it a fact also that they have to work from 18 to 20 hours a day on Sundays ?

(c) Have Government considered the effect of this on the health of the servants and the advisability of reducing the hours of work ? If not, are they prepared to do so ?

(d) Is it a fact that on some other Railways the hours of work for such employees are only eight ?

**Mr. A. A. L. Parsons :** Government have no information on the subject but will make enquiries.

### CLOSING OF THE CITY BOOKING OFFICE AT JHANSI.

40. **Mr. N. M. Joshi :** (a) Since when has the City booking office at Jhansi been closed and why ?

(b) Is it a fact that the Jhansi Municipal Board has passed a resolution requesting the re-opening of the booking office on account of the inconvenience caused to the passengers ? Do Government propose to order the office to be re-opened ?

**Mr. A. A. L. Parsons :** (a) The Jhansi City booking office was closed on the 1st May, 1923, as its continuance was not financially justifiable.

The Great Indian Peninsula Railway have elaborate and adequate arrangements at Jhansi station for dealing with passenger traffic.

(b) A petition on the subject was received by the Great Indian Peninsula Railway from the Chairman, Municipal Board, Jhansi. Government do not propose to intervene in the matter, but are forwarding a copy of the question and the reply to the Agent, Great Indian Peninsula Railway.

#### PAY OF CLERKS OF THE RAILWAY MAIL SERVICE IN THE MUFASSIL AND THE CITY OF MADRAS.

41. **Mr. Abdul Latif Saheb Farookhi :** (1) Is it a fact that the Director General of Posts and Telegraphs has sanctioned the equalization of salaries for postal clerks in the mufassil of the Madras Presidency while the Railway Mail Service staff has not been granted the same privilege ?

(2) If so, why ?

(3) Are Government prepared immediately to grant the same privilege to the Railway Mail Service employees both in the mufassil and the City of Madras ?

**Mr. H. A. Sams :** (1) No.

(2) and (3). Do not arise.

#### GRANT OF THE PRIVILEGE TO MEMBERS OF THE INDIAN LEGISLATURE TO KEEP RETAINERS FOR THEIR ARMS.

42. **Maulvi Muhammad Shafee :** (1) Will the Government be pleased to state whether the Ministers, the Executive Councillors, and the High Court Judges, who are exempted under clause (1) (a) of Schedule I of the Indian Arms Rules, 1924, can be allowed to keep retainers for their arms ?

(2) If the answer to the first question is in the affirmative, will the Government be pleased to state whether the Members of the Indian Legislature, who are also exempted under clause (1) (a) of Schedule I of the Indian Arms Rules, 1924, can be permitted to keep retainers for their arms ?

(3) Has the matter been brought to the notice of the Government that the Provincial Government of Bihar and Orissa has taken the view that the Members of the Indian Legislature are not fit persons to be allowed to keep retainers for their arms ?

(4) Do the Government propose to take some immediate step to remove the difficulty from the path of the Members of the Indian Legislature ?

(5) Are Government prepared to consider the advisability of issuing a detailed notification with regard to the question, clearly laying down the persons or the classes of persons who are entitled to enjoy the privilege of keeping retainers for their arms ?

**The Honourable Mr. J. Crerar :** (1) Retainers of the officials mentioned are not exempted from the provisions of the Arms Act and the rules framed thereunder.

(2) and (4). The position of Members of the Indian Legislature is the same. There is nothing to prevent their applying for arms licences for their servants.

(3) and (5). No.

### STUDENTS FROM BIHAR AND ORISSA IN THE ROYAL INDIAN MILITARY COLLEGE, DEHRA DUN.

43 **Maulvi Muhammad Shafee** : (1) Will the Government be pleased to state the number of students from Bihar and Orissa, who have joined the Prince of Wales' Royal Indian Military College, Dehra Dun, since its inauguration ?

(2) Will the Government be pleased to state whether any student from Bihar and Orissa has been able to take advantage of the concession offered to the sons of Indian officers of good service as regards the curtailment of the college fees ?

(3) Will the Government be pleased to state whether the term Indian officers signifies military officers only or includes officers belonging to the civil services as well ?

(4) If the privilege is confined to the sons of military officers only, are Government prepared to consider the advisability of extending it to the sons of the officers belonging to the civil services ?

(5) If the answer to the last question is in the negative, will the Government be pleased to lay down the reasons for the same ?

**Mr. G. M. Young** : (1) Four.

(2) Yes ; one cadet.

(3) The term " Indian Officer " refers only to military officers.

(4) and (5). Government do not propose to institute special pecuniary concessions at Dehra Dun for the sons of civil officials. The reason is that those officials are not considered to be any more in need of such concessions than private individuals.

### AMENDMENT OF SECTION 153 OF THE BENGAL TENANCY ACT.

44. **Mr. K. C. Neogy** : In connection with the pending amendment of section 153 of the Bengal Tenancy Act, will Government be pleased to make a statement showing—for the last two years—in respect of (a) the province of Bengal and (b) such parts of Bihar where the Bengal Tenancy Act applies :

(i) the number of appeals preferred in the District Courts, in rent suits in which the amounts claimed were above Rs. 50 and Rs. 100 respectively ; and

(ii) the number of appeals preferred in the High Courts, in rent suits in which the amounts claimed were above Rs. 100 and Rs. 200 respectively ?

**The Honourable Mr. J. Crerar** : The information is being obtained from the Local Governments, and will be communicated to the Honourable Member on receipt.

**PROPER REPRESENTATION OF THE BANIK COMMUNITY OF BENGAL IN THE SERVICES.**

**45. Mr. Amar Nath Dutt :** (a) Has the attention of the Government been drawn to the letter dated the 12th May, 1927, addressed to the Secretary, Government of India, Home Department, by Rabindra Nath Dhar ?

(b) Is it a fact that the Banik community of Bengal is very poorly represented in the Services, as stated in the letter ?

(c) If so, do Government propose to provide for the proper representation of this community ?

**The Honourable Mr. J. Crerar :** (a) Yes.

(b) Government have no information beyond that stated in the letter.

(c) No. It would not be practicable to make provision for the representation of particular castes or sub-divisions within a community.

**TENDERS FOR PAINT, ZINC, LEAD, ETC., CALLED FOR BY THE DIRECTOR GENERAL OF THE INDIAN STORES DEPARTMENT, LONDON.**

**46. Mr. Nirmal Chunder Chunder :** (1) Will Government be pleased to state whether the Director General of Indian Stores Department, Branch No. 43, Belvedere Road, Lambeth, S. E. I. invited tenders for 68 tons of paints, zinc, lead and various ground and mixed, in June and July last ?

(2) Will Government be pleased to state whether such tenders were due on the 5th July, 1927 ?

(3) Will Government be pleased to state whether those tenders have been opened and if so at what rates have the tenders been made with respect to each of the above classes of paints ?

(4) Were those tenders asked for in India and if so on what dates and with what results ?

(5) If the answer to the foregoing question is in the negative, will Government be pleased to state the reason why no tenders for the above classes of paints were called for in India ?

**The Honourable Sir Bhupendra Nath Mitra :** (1), (2) and (3). The Government of India have no information regarding the particular tenders referred to by the Honourable Member. The High Commissioner for India has been addressed on the subject and on receipt of his reply I shall supply the Honourable Member with such information as is available.

As regards parts 4 and 5 of the question, the attention of the Honourable Member is invited to the reply given to questions Nos. 21 and 22 asked by Sir Hari Singh Gour on the 22nd January, 1925.

**LIST OF PAINT MANUFACTURERS IN INDIA ON THE APPROVED LIST OF THE INDIAN STORES DEPARTMENT.**

**47. Mr. Nirmal Chunder Chunder :** Will Government be pleased to lay on the table a list of paint manufacturers in India who are on the approved list of the Indian Stores Department, noting against each, the prices and the quantities and classes of paints ordered from each and which of them were, or are to be, manufactured in India and which were, or are to be, imported from abroad ?

The Honourable Sir Bhupendra Nath Mitra : Statements giving the necessary information for the period from the 1st April, 1926 to the 15th July, 1927, are being supplied to the Honourable Member.

#### ARRIVAL OF THE 53 UP PASSENGER AT KIUL JUNCTION ON THE EAST INDIAN RAILWAY.

48. Raja Raghunandan Prasad Singh : Has the attention of the Government been drawn to the fact that under the present arrangement 53 Up Passenger arrives at Kiul Junction, East Indian Railway, 22 minutes too late and so misses connection with the 15 Up Express to the great inconvenience of the passengers concerned ? Do they propose to make the necessary changes in the Time Table so as to enable passengers travelling by 53 Up Passenger to avail themselves of a fast train at Kiul Junction ?

Mr. A. A. L. Parsons : According to the time table No. 53 UP Passenger terminates at Bhagalpur and the Honourable Member possibly refers to 47 Up Passenger.

It is quite impossible for Government to take any part in the arrangement of Time Tables. Copies of the question and this answer will be sent to the Agent, East Indian Railway.

#### MURDERS OF ARYA SAMAJISTS ENGAGED IN THE WORK OF SHUDDHI AND SANGATHAN.

49. Mr. Mukhtar Singh : (a) How many Arya Samajists engaged in the work of *Shuddhi* and *Sangathan* have been killed during the last three years ?

(b) In how many cases in the above cases have the accused been traced and convicted ?

The Honourable Mr. J. Crerar : Government are making enquiries. The information will be furnished to the Honourable Member in due course.

#### PURCHASE OF GHEE FOR THE ARMY IN INDIA.

50. Mr. Mukhtar Singh : Is it the intention of the Government to invite tenders for the agency for the purchase, during the coming ghee season, of ghee which will be required for the Army in India ? If the answer be in the negative will the Government be pleased to state its reasons for doing so ?

Mr. G. M. Young : Yes. Offers have already been called for by advertisement in the Press. The second part of the question does not arise.

#### STRENGTH, CONDITIONS OF SERVICE, ETC., OF LIGHT-HOUSE ESTABLISHMENTS IN BENGAL, MADRAS AND BOMBAY.

51. Mr. Abdul Latif Saheb Farookhi : Will the Government of India be pleased to state :

(a) The numbers of sea or coast light-houses which exist in each Presidency, namely, Bengal, Madras and Bombay ?

- (b) The total strength of the establishments in each Presidency ?
- (c) The years in which the establishments were introduced in each Presidency ?
- (d) The numbers and names of Brahmins, caste Hindus, Muslims, Adi-Dravidas and Anglo-Indians, or Christians, now working in the grades of assistant light keepers and head light keepers with the pay of their grades, in each Presidency ?
- (e) The number of men of the several Indian communities other than Anglo-Indians or Christians, appointed to the places of assistant light keepers and head light keepers in each Presidency from the year the sea or coast light-houses were introduced in each Presidency up to the year 1920 ?
- (f) The period of training for light-house work required to be undergone by a new man before he is appointed to the place of assistant light keeper in each Presidency, and the educational and other qualifications required for an assistant light keeper's post in each Presidency ?
- (g) The period of light-house experience or the period of service in the Department required by an assistant light keeper to qualify for promotion to the head light keeper's place in each Presidency ?
- (h) The total Government service of each member of the various Indian communities other than Anglo-Indians or Christians with their names, now working in the sea or coast light establishments in each Presidency ?
- (i) The number of permanent and temporary vacancies now existing in both the lower and upper grades (i.e., head light keeper's grade and assistant light keeper's grade) of the sea or coast light-house establishments in each Presidency ?
- (j) From what fund, the sea or coast light-houses and the staffs are being maintained in each Presidency, and from what source has such fund been derived ; and what is the balance of such fund on 1st April, 1927 ?
- (k) The number of automatical gas acetylene lights and the Chance's incandescent oil burner lights now exhibited in each Presidency, and the average yearly expenses for maintaining an automatical gas acetylene light and an incandescent oil burner light as well ?
- (l) The necessity for having converted some of the port lights into automatical gas acetylene lights in the Presidencies, and whether there is any proposal to convert all the sea or coast lights into automatical gas acetylene lights in the Presidencies. If so, when ? If not, why ?
- (m) The numbers and names with their nationalities of the light-house mechanics, now working in each Presidency ?

COUNTING TOWARDS PENSION OF SERVICE RENDERED BY A PERSON AS PORT LIGHT KEEPER ON HIS TRANSFER TO THE SEA OR COAST LIGHT SERVICE.

52. **Mr. Abdul Latif Saheb Farookhi** : Will the Government of India be pleased to state whether the services of a port light keeper who is transferred to the sea or coast light service, is added to his service of the sea or coast light-house, and treated as one and the same Government service at the time of his retiring or completing 30 years' service in both the port and sea or coast light services in all Presidencies ?

**The Honourable Sir George Rainy** : I will reply to questions Nos. 51 and 52 together.

Information on the several points raised in these questions is being obtained from the Local Governments and will be supplied to the Honourable Member on receipt.

### MOTION FOR ADJOURNMENT.

REPRESENTATION OF INDIANS ON THE ROYAL COMMISSION TO CONSIDER THE FEDERATION OF KENYA AND OTHER EAST AND CENTRAL AFRICAN COLONIES.

**Mr. President** : I have received the following notice of a motion for adjournment from **Mr. K. C. Roy** :

“ I beg to give notice of my intention to move an adjournment of the business of the Assembly on the 18th August to discuss a definite matter of urgent public importance, namely, the situation created by the announcement by the Secretary of State for the Colonies of the early appointment of a Royal Commission to consider proposals for a closer union by federation of Kenya and other East and Central African Colonies and States, and the urgent necessity of immediate action on the part of the Government of India for securing adequate Indian representation in the said Commission and obtaining proper terms of reference to the Commission with a view to protect the rights, status and interests of Indians in the said Colonies.”

I must confess that I have not got enough materials before me to justify me in determining the question of the admissibility of this motion. I would therefore like to know if Government are prepared to throw any light on the question of admissibility.

**The Honourable Sir Basil Blackett** (Leader of the House) : Sir, the public importance of the announcement of His Majesty's Government's decision to send a Commission to Africa to consider the possibility of a closer union by federation between Kenya and the other territories cannot be questioned. But I submit, Sir, that this motion ought to be opposed on the ground that the matter is not urgent. The plea for urgency is, I suppose, based on three factors,—the appointment of the Commission, its terms of reference and its personnel. No urgency can attach to one or two, the appointment of the Commission or the terms of reference : they have been publicly announced. As regards the personnel, it has been stated that it was announced by His Majesty's Secretary of State for the Colonies in the House of Commons that the Secretary of State for India would nominate one member. This constitutes a recognition by His Majesty's Government of the importance of including in the Commission a person conversant with Indian conditions. The Government of India are fully alive to the importance of the decision of His Majesty's Government and are determined to do everything in their

power to safeguard India's interests. Representations have in fact been made to His Majesty's Government, and I submit, therefore, Sir, that it cannot be said that there is a special urgency which would justify this motion being taken up to-day, and that if a substantial number of Members of this House desire an opportunity for discussing it the ordinary opportunities are open through the ballot.

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : Sir, while I congratulate the Honourable Sir Basil Blackett on his appointment as the Leader of the House (Loud Applause), I fear I cannot congratulate him on the opposition which he has offered to my motion. I am sorry, sincerely sorry, that the first step of the new Leader should be to oppose a motion which has been dictated by the one solitary consideration, and that consideration is, well being of 60,000 to 70,000 Indians who are settled in the East and Central African territories. I am glad, Sir, that he has admitted the public importance of the motion. But he pleads that there is no urgency. I shall prove, Sir, that there is a great deal of urgency, and that we have suffered in the past—since 1908—due to the lethargy and inactivity of the Government of India. Sir, the operative clause of my motion is that we want immediate action on the part of the Government of India. Are we right, or are we wrong? Sir Basil Blackett says.....

**Mr. President** : What action does the Honourable Member wish the Government of India to take?

**Mr. K. C. Roy** : Sir, I am coming to that. I want the Government of India to make immediate representation to His Majesty's Government and I want also the Government of India to hear the Non-Official Members of this House. First and foremost, Sir Basil Blackett has said that the announcement of the Commission has been made. What is the announcement? The announcement is that the Secretary of State has been asked to send out a special Commission, but the Commission has not yet been appointed. There is no Royal Warrant or Instrument of Instructions. Then, there are the terms of reference. I look upon them as mere tentative terms of reference. Those terms of reference are entirely inadequate in regard to the citizenship status of Indians as defined by the Imperial Conference of 1921. Then, Sir, I come to the question of Indian representation. Mr. Amery, the other day—the full text of his speech came only by the last mail—said that there will be a representative of the India Office, and what is the representative of the India Office going to do? Are we going to be content with the representative of the India Office? Will he represent the Government of India or will he represent the people of India? And, Sir Basil Blackett seems to be satisfied with one representative. What has been the practice in the past? In 1910 His Majesty's Government appointed a very important Commission to inquire into the Crown Colonies.

**Mr. President** : The Honourable Member is going into the merits of the case. We are now discussing the point of order.

**Mr. K. C. Roy** : I am not going into the merits of the case. My Honourable friend the Leader of the House is satisfied with one representative of the India Office. But there was a Commission in the past and His Majesty's Government appointed three members, namely, Sir George Scott Robertson, Sir James Latouche and Sir Selwyn Freemantle. Are we going to be satisfied with one member now? I think, Sir, there is



[Mr. K. C. Roy.]

great urgency in regard to this matter ; we should make immediate representation to His Majesty's Government to widen the terms of reference and to afford full representation of Indians on the personnel of the Commission. The personnel of the Commission is impending ; it has not yet been announced. We know only of one name, he is the President, Commander Hilton Young, not a very inspiring name in India. We are very anxious to make immediate representation, and, Mr. President, I hope you will see your way to admit my motion.

**Mr. N. M. Joshi** (Nominated : Labour Interests) : Sir, may I say one word on this point ? The discussion on this question is very important from the point of view of Indians in East Africa.

**Mr. President** : It is admitted that the discussion on this question is very important. The question is whether it is urgent.

**Mr. N. M. Joshi** : It is urgent in this way, Sir, that if the Royal Warrant is once issued, it will be very difficult to change it, and therefore if we want the terms of reference not to contain any matter which is against the declared policy of the British Government as regards Indian emigration and the Indian residents of East Africa, this is the time for us to do so, and the matter is also urgent from the point of view of the personnel. The Indian community in East Africa is several times larger than the British community in East Africa and they promise to give only one seat on the Royal Commission to Indians. It is therefore very urgent.

**Mr. President** : Is it a fact that the terms of reference have already been announced ?

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Tentatively, provisionally.

**Mr. N. M. Joshi** : As regards the personnel, they promise only one seat to Indians. Indians in East Africa are several times larger than the British in East Africa. It is therefore quite urgent that we should make representation to the British Government that the Indian representation on the Commission should be adequate to the number of Indians in East Africa.

**Mr. President** : If Government have already made a representation to that effect, what is the urgency ?

**Sir Hari Singh Gour** : May I point out the urgency ? The Honourable the Leader of the House has admitted that the Government of India are in communication with the Secretary of State on the subject of India's representation on this Commission. I presume that itself is a matter of urgency to the Government of India ; and being a matter of urgency it does not lie in the mouth of the Leader of the House to say that, while it is urgent for the Government of India to make representation to the Secretary of State, it is not a matter of urgency, so far as this House is concerned, to strengthen the hands of the Government of India in any communication made by them to the Secretary of State. I am sure, Sir, that the Honourable the Leader of the House will admit that the question of urgency arises on all the three points. First, as regards the terms of reference, I have before me a newspaper cutting of a very recent date from which I gather that the terms of reference are only provisional and if the Government of India.....

**Mr. President :** Is the Honourable Member reading the terms of reference ?

**Sir Hari Singh Gour :** The terms of reference. I am reading from a recent issue of the *Pioneer* in which it is stated.....

**Mr. President :** Is it stated that the terms are provisional ?

**Sir Hari Singh Gour :** Yes, Sir. They have therefore authorised the Secretary of State to send to Africa a special Commission with the following terms of reference.

**The Honourable Sir Basil Blackett :** May I shorten the discussion by saying that my information is that the terms of reference are final, and not provisional.

**Mr. K. C. Roy :** May I ask whether there has been a Royal Warrant or Instrument of Instructions ?

**The Honourable Sir Basil Blackett :** I submit, Sir, that there is no proof of urgency from the point of view of the terms of reference or the announcement of the Commission. The only point that my Honourable friend Mr. Roy makes is that there is urgency as regards the question of the personnel. He desires that the matter may be discussed in order to press upon the Government the necessity of making representations to His Majesty's Government with reference to the personnel. I have told him that representations have been made for the protection of Indian interests by the Government.

**Mr. President :** Of adequate representation of Indian interests by Indians ?

**The Honourable Sir Basil Blackett :** Government have, I submit, done all that they can do in this matter. The notice that has been given by Mr. Roy and this discussion has, I submit, made it clear that the House desires that the Government should make this representation and there is nothing more that can be done as a result of this discussion in the House. I therefore suggest that Mr. Roy should withdraw his motion.

**Sir Hari Singh Gour :** May I ask, has this House no duty in the matter ?

**Mr. President :** I should like to know whether the Government have made a representation for the adequate representation of Indians on that Commission.

**The Honourable Sir Basil Blackett :** Of Indian interests, Sir.

**Mr. A. Rangaswami Iyengar (Tanjore cum Trichinopoly : Non-Muhammadan Rural) :** May I say, Sir, that the urgency, so far as this House is concerned, arises, even on the Leader's own showing, on the third part of the motion of which notice has been given by my Honourable friend Mr. Roy ? The question is not whether the Indian Government made representations for the protection of Indian interests in any inquiry the Commission may make. The question is not also whether the India Office, as Mr. Amery said in the House of Commons, has been asked to nominate a representative, it may be of somebody who is in the good books of the India Office. The question is whether we, the people in India, have a right to say that an Indian representative and an adequate number of Indian representatives should be appointed to the Commission if the interests of Indians there are to be adequately protected ; and I say, this House has

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got the right and the duty of making this representation to the Government, and the Government, I say, Sir, is equally under a duty to forward that representation to His Majesty's Government and to support it. Therefore, Sir, I think the matter is most urgent, because I expect this Commission may be announced any day and it is necessary that the view of this House on the question of the adequacy and the representative character of Indians to be appointed to the Commission should be pressed on His Majesty's Government.

**Mr. President :** There are three points raised by this motion. One is the principle of the appointment of the Royal Commission. The announcement of the appointment of the Royal Commission has already been made. That question has therefore settled itself and nothing remains to be done. The second is the question of the terms of reference. It has been contended that the terms of reference that have been published are provisional. On the other hand, the Leader of the House assures me that these terms are not provisional but final. The third point raised by the motion is regarding the personnel of the Commission. There is no doubt that the personnel has not been announced. There is something in the White Paper to the effect that the Secretary of State for India will be asked or is being asked to appoint some nominee of his as a member representing the Indian interests. There is, on the other hand, the desire on the part of Mr. Roy and those who think with him that there should be adequate representation of Indians, and that is a point which is, in my opinion, really urgent. The personnel of the Commission might be announced at any moment and, if the opinion of this House must reach the British Government in time, then it is necessary that the Government of India should make a representation immediately, and this is the opportunity when this House should discuss the question. In my opinion, therefore, the only point relevant to this notice of motion is the question relating to the personnel of the Commission. If Mr. K. C. Roy is prepared to restrict his motion only to the question of the personnel of the Commission, then the Chair is prepared to consider his motion.

**Mr. K. C. Roy :** I shall certainly modify the motion, if you will only give me five minutes.

**Mr. President :** If the Honourable Member is prepared to give notice now, I am prepared to consider it at once.

**Mr. K. C. Roy :** I will give notice in five minutes, Sir.

**Mr. President :** The Honourable Member should restrict his motion only to the question of the personnel of the Commission.

(Mr. K. C. Roy then drafted and handed in to the Secretary the revised motion for adjournment.)

**Mr. President :** Order, order : The motion of Mr. K. C. Roy now stands thus :

“ I beg to give notice of my intention to move the adjournment of the business of the Assembly on the 18th August to discuss a definite matter of urgent public importance, namely, the necessity of the Government of India taking urgent action to secure the appointment of an adequate number of Indian representatives on the Special Commission announced by His Majesty's Government to be sent to Africa to deal with the question of federation and future policy with regard to the Colonies in Eastern and Central Africa in view of the vital interests of the Indian community in these Colonies involved therein.”

The notice seems to me now in order and I will ask the Assembly whether the Honourable Member (Mr. K. C. Roy) has the leave of the Assembly to move this motion.

As no Honourable Member objects to leave being granted, I announce that the leave is granted, and that the motion will be taken up at 4 P.M. or, if the business of the day is finished earlier, it might be taken up earlier with the consent of the Leader of the House.

#### DEATH OF MR. AMBIKA PRASAD SINHA, M.L.A

**Mr. Gaya Prasad Singh :** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, it is my melancholy duty to bring to the notice of this House the sad and untimely death of one of our colleagues, Mr. Ambika Prasad Sinha, who came from my own Province of Bihar and Orissa. The deceased gentleman was keeping bad health during the last Delhi Session, and on his return to Patna his illness developed into dropsy, to which he ultimately succumbed. Mr. Ambika Prasad Sinha had been a Member of this House almost since the inception of the reformed constitution, and during his tenure of office as a Member he was remarkable for his regular attendance—a fact which cannot be said to the credit of many Honourable Members. He was a man of amiable nature and of lovable qualities and a popular figure in the lobby and in social circles ; but he was stern and unbending in the discharge of his duties as an elected Member of this House ; and his votes were always cast on the popular side. Speaking personally, in the death of Mr. Ambika Prasad Sinha I feel as if I have lost a younger brother. I would request you, Sir, to be so pleased as to communicate to the members of the bereaved family an expression of our hearty sympathy and condolence.

**The Honourable Sir Basil Blackett** (Leader of the House) : Sir, Mr. Ambika Prasad Sinha belonged to that dwindling number of Members who have been in all the three Assemblies since 1921. He was in all the three Assemblies a universally popular Member, and deservedly so. His personality was such that it helped, if I may say so, to bridge the gap that is caused by the differences between Members in faith, in politics and in race. We shall all miss him and on behalf of the Government and I am sure on behalf of all those of his friends who sit on this side of the House I desire to associate myself with the expression of regret for his untimely death and sympathy with his relatives.

**Mr. President :** I am sure I shall be carrying out the unanimous wish of this House when I convey to the family of our late colleague the deep sense of regret that we all feel at his death.

#### RELIEF FOR SUFFERERS FROM FLOODS IN GUJRAT AND PARTS OF ORISSA AND SIND.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, with your permission and the permission of the Member of the Department concerned, I beg to move .

“ This Assembly resolves to place on record its deep sympathy with the people of the whole of the province of Gujrat and parts of Orissa in their distress in consequence of the unprecedented floods that have caused widespread famines in the areas affected and requests the President to convey the sympathy of this House to the sufferers.

[Mr. A. Rangaswami Iyengar.]

This Assembly trusts that the Government as well as the Princes and the people of India will do all that lies in their power to help in alleviating the distress of the sufferers."

Sir, I do not propose to take up the time of the House by relating here all the great suffering and the havoc that was wrought by the floods and rains last month in consequence of which one of the most fertile and beautiful parts of India has been sorely devastated and a land which has been repeatedly subject to famine and distress, the province of Orissa, has been made even more miserable than it has been. Sir, it is unnecessary to give any harrowing accounts of this flood havoc that was caused, because I take it Honourable Members have followed the accounts that have appeared in the papers. If Honourable Members were not the actual sufferers on the spot, they have been the sufferers in some way or the other, at least by having their train journeys stopped and by having to put up a lot of inconvenience before they could reach Simla to attend to the duties of their office. That distant effect will give them an idea of the very great injury, suffering and distress that have been caused to our fellow-countrymen in these parts and particularly in the province of Gujrat where the distress and the suffering have been wholesale. I am here, Sir, to bespeak your kind offices to convey to these sufferers the sympathy of this House. I have not the slightest doubt that that sympathy will be given in the most ungrudging measure and by every means open to us.

It is unnecessary for me, Sir, to add to the moving appeal which you, as soon as you arrived in this country, issued to the people of this country to respond and help in relieving the distress in your own province.

Your own province, Sir, according to the conventions of this House, remains unrepresented by reason of the fact that you have become the mouthpiece of the whole House, and it therefore rests doubly upon us here on this side of the House to take up the cause which you would otherwise have taken up with great application and devotion. It has pleased us not a little to find that amidst your arduous duties you have announced your decision to dedicate your services to the relief of this suffering in Gujrat under the auspices of the Congress Committee. We here are proud to own a President who has taken upon himself this great and humanitarian work. But I appeal to the House that apart from responding to the appeal of the President to the utmost extent in our power, it is also our duty to go about and find support—financial and otherwise—for this great ameliorative work that is being carried on both in Gujrat and in Orissa. Sir, it is not possible for us to estimate the extent of the damage and the distress that is involved. Accounts of extensive devastation of crops, of lands, of houses, of life and live-stock have appeared in the papers from time to time. But to give an idea of the huge work of relief that is before us, I would just make a reference to a conference which was held at Nadiad under the auspices of the Finance Member of the Government of Bombay at which a number of other representatives engaged in this relief work under the guidance of your brother. Mr. Vallabhai Patel, met and discussed plans for the relief of suffering, and also tried to form an estimate of the monies that would be required to do this on any adequate scale. I do not wish to tire the House by reading these things, but I find there was a proposal to build 20,000 houses

for the depressed classes at a cost of Rs. 50 each ; that alone would involve Rs. 10 lakhs. I find, Sir, that even more urgent has been the building of about 70,000 buildings for people who are actually ryots and cultivators, who occupy a better status than the depressed classes and whose houses would cost at least Rs. 150 each, and the cost of that has been estimated at about a crore of rupees. Then, Sir, there are houses of the lower middle classes and the upper middle classes and even of rich men which have been completely destroyed and have all to be restored. The cost of that has not been put down here, but the woes of the middle classes have been very great indeed. Then, there are other matters, matters relating to the free distribution of seed paddy for fresh sowings ; there are cases in which we have got to make advances under the Agriculturists Loans Act or under the *takavi* system with a view to help them in starting agricultural operations this season. There are also cases in which pure eleemosynary aid has to be given by the distribution of food grains on a very large scale to prevent actual starvation and acute famine in many parts of Gujrat and Orissa. I am sure in Orissa—I have been told by my friend Mr. Das who will inform the House of the exact position—there are thousands upon thousands of families which have been left absolutely without any means. Sir, in this state of things it is the duty of the Central Legislature to take account of the situation and come to the rescue of these distressed Provinces. I say, Sir, it is the duty of the Central Government, notwithstanding the fact that this particular Department may have been provincialised, to come forward and offer to help the provincial authorities by grants and by every other means by which they can help them. I was sorry to understand—I am sure that if my information is wrong, the Honourable the Leader of the House will correct me—that applications which have been made from Bombay for grants out of the Famine Insurance Fund or out of the Indian Peoples' Famine Trust Fund have so far not been promptly responded to ; and so far as the Bombay Government are concerned, my friend, Mr. Vallabhai Patel, long ago appealed to the Bombay Government to set apart one crore of rupees out of the sum at the credit of the Bombay Government in the Famine Insurance Fund to be made available for the purposes of relief in Gujrat. I am not sure that so far anything has been done in that matter, and I am sure that, so far as that fund is concerned, it is actually in the hands of the Government of India held at the credit of the Bombay Government, and this Government have a great deal to do with the matter. But I do not want to raise any controversy on this motion. I am sure the Honourable the Finance Member, who is also the Leader of the House to-day, will view this matter with the utmost generosity and I am sure he will respond to this appeal.

My appeal is also to those outside this House, to the various Princes and aristocrats and others who are better off than our unfortunate brethren in Gujrat, to come and help in this great and humanitarian cause. It is a cause which cannot fail to appeal to the lowest as well as to the highest of our countrymen, and I therefore desire through you, Sir, to make a : appeal to every one of them to respond in unmeasured ways to this call of duty to our fellow-countrymen. I do not want to add anything more. I move my motion.

**Mr. President :** Will the Honourable Member pass the text of the motion on to the Chair ?

**The Honourable Sir Basil Blackett :** (Leader of the House) : Sir, I desire to associate myself on behalf of the Government most sincerely and sympathetically with this motion which must, I think, appeal to the feelings of all Members of the House. When a catastrophe of the sort that has happened in Gujrat occurs, we can only bow our heads in sorrow and sympathy and set to work in the most practical way to do our best to relieve those who suffer. In this matter I think there is one very bright spot. I am sure we must have all looked on with great admiration at the way in which the citizens and people of the Province of Bombay, admirably led by their Governor in example and precept, have arisen to the occasion and set to work to do all in their power to relieve the distress of the sufferers. It is not possible in this matter, under the constitution as it stands to-day, for the Government of India directly to ask the tax-payer of the Central Government to make contributions to this deserving cause, but I am very glad of the opportunity that has been given me by the Mover to make it clear that the Government of India are doing all in their power to assist in this matter. I heard only yesterday rumours to the effect that there were some complaints that requests from the Government of Bombay for leave to use monies out of the Famine Insuranee Fund were being delayed by the Government of India. I am very glad to be able to assure the House and the people of Bombay that there is no foundation for such an allegation. So far as I can make out, the Government of India have received no request from the Government of Bombay in regard to the Famine Insuranee Fund, and that for the simple reason that it is within the power of the Government of Bombay to draw on that Fund for such purposes as these, which are within the ambit of the fund. I believe that it is necessary that notice should be given to the Government of India of the intention of a Provincial Government to make a large draft on their balances which may possibly come up at an inconvenient moment to the Central Government ; but I have made inquiries and I find that no such request has been made and I can assure the House that if such a request is made it will be promptly acceded to by the Government of India. There is one direction in which the Government of India hope that they may be able to help. An application has been received from the Bombay Government for assistance from the Peoples' Famine Trust Fund. That application was received about a week ago and arrangements have been made for calling a meeting of the Committee of that Fund at the earliest possible date. I cannot of course anticipate what will be the decision of the Committee of that Fund, though as I happen to be a member of the Committee I may say that I hope that it will feel itself able to make as generous a donation as the real sufferings in this case worthily demand. Sir, I gladly associate myself with this motion which I am sure must give particular satisfaction to you, coming as it does as a recognition and perhaps as a consequence of your own generous-minded action in the matter.

\***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Division : Non-Muhammadan Rural) : Sir, I associate myself with what Mr. Rangaswami Iyengar and the Honourable the Leader of the House have said on this painful subject. We are all in deep sympathy with our fellowmen of Gujrat and of Orissa in the calamity that has befallen

\* Speech not corrected by the Honourable Member.

them. I should like to make a proposal, with the leave of the Leader of the House, to insert Sind also in this Resolution.

**Mr. A. Rangaswami Iyengar :** I have no objection.

**Pandit Madan Mohan Malaviya :** The people of Sind also have suffered. In fact the Session of the Bombay Legislative Council was cut short to enable Members representing Sind to go back to their homes, because this devastation had overtaken parts of Sind also. The sufferings that the people have undergone and are still undergoing cannot be described. I hear that there are still parts of Gujrat where people are cut off from outside, and it therefore behoves us all to offer our profound sympathy to those of our fellowmen who have fallen victims of this calamity. We are grateful that Members in this Assembly have already expressed their sympathy and taken steps to organize a fund. We are also grateful to learn that the Government of India are prepared to do all that lies in their power to assist the people in this matter. I should, however, like to assure the Government on behalf of the non-official Members, with reference to the observation made by the Honourable the Finance Member that under the constitution of this House the Government of India are not able to allot any funds for help on such an occasion, that should Government find it necessary to bring forward any proposal before this House for the support of the Members to enable them to make a contribution to the fund for the relief of sufferers from floods in Gujrat, Sind or Orissa, I venture to say that every Member of this House will gladly support that proposal.

It has been said, Sir, that the people of Bombay have taken a lead in this matter and have shown a very commendable spirit in fighting this calamity, but I am glad that the Honourable the Leader of the House recognises that the Government of India also, as the Central Government, which draws support from every part of India, have a duty to perform in this matter. Gujrat and its prosperity contribute to the Government of India's Budget ; so do Sind and Orissa. And when these large tracts of country have unfortunately been smitten by this calamity, it is only right that even if they do not stand in need of pecuniary assistance, we should assure them that the Government of India are ready and prepared to offer whatever pecuniary assistance they may be in need of and which it may be in the power of the Government of India to offer. I hope, Sir, that such an assurance will be conveyed further, if it is necessary, in addition to what has already been conveyed, and that through the Governors of the two provinces our fellowmen who are suffering from this calamity will be informed and assured that every Member of this House feels keen sympathy with them in their sorrow and is ready to do whatever lies in its power to help them to get out of that suffering and be restored to their normal conditions of life. I have much pleasure, Sir, in supporting this Resolution.

**Mr. President :** Sir Basil Blackett and Comrades, I do not think this is a motion which calls for a large number of speeches. I, therefore, with the forbearance of this House, propose to close after making a few observations. Let me, in the first place, thank you all most sincerely for the motion which I am sure you are going to adopt very soon unanimously. In expressing your sympathy with the people of Gujrat you are also expressing your sympathy with your President. As you are aware, I am



[Mr. President.]

the representative from Gujrat. Gujrat is my constituency and any calamity on the people of Gujrat is a calamity on me personally. I cannot say how much I feel on the matter and the motion of my friend Mr. Rangaswami Iyengar speaks for itself. Had it not been for the fact that you have called me to this Chair, I should have been to-day with my people assisting the President of Gujrat Provincial Congress Committee in the great and noble work of relief operations which he has inaugurated. On behalf of these sufferers and on my own, I desire to express our deep sense of gratitude to His Excellency the Viceroy for the very encouraging letter which he has written to me in connection with this motion with a contribution of Rs. 500 towards the fund which I have started as a mark of his genuine sympathy for the cause. Here is the letter which I will read to you—I am sure he wants me to read it to the Assembly :

*“ Viceregal Lodge, 17th August, 1927.*

Dear Mr. Patel,

I see that the Assembly is being invited by a Resolution to-morrow to record its sympathy with the sufferers in the recent unhappy floods. I should like, if I may, as head of the Indian Legislature to associate myself with such an expression of sympathy and I trust that the efforts that you are personally making to augment the relief funds will meet in all quarters with a ready and generous response. I am sending separately a small subscription of Rs. 500 for this purpose and only wish it was in my power to offer a very much larger contribution.

Yours Sincerely,  
(Sd.) IRWIN.”

I now put the question.

The question is :

“ That this Assembly resolves to place on record its deep sympathy with the people of the whole of the province of Gujrat and parts of Orissa and Sind in their distress in consequence of the unprecedented floods that have caused widespread famine in the areas affected and requests the President to convey the sympathy of this House to the sufferers. This Assembly trusts that the Government as well as the Princes and the people of India will do all that lies in their power to help in alleviating the distress of the sufferers.”

The motion was adopted.

**Mr. President :** I now declare this motion unanimously carried and direct that the terms thereof be forthwith communicated by wire to the Governors of the two Provinces concerned and also to the respective Presidents of the Provincial Congress Committees.

#### ASSENT OF H. E. THE GOVERNOR GENERAL TO BILLS.

**Mr. President :** I have the honour to intimate that the following Bills, which were passed by both Chambers of the Indian Legislature, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

The Indian Limitation (Amendment) Act, 1927,

The Indian Registration (Amendment) Act, 1927,

The Steel Industry (Protection) Act, 1927,

The Currency Act, 1927,

The Indian Finance Act, 1927,  
The Indian Limitation (Second Amendment) Act, 1927,  
The Sea Customs (Amendment) Act, 1927,  
The Provident Funds (Amendment) Act, 1927,  
The Madras Salt (Amendment) Act, 1927, and  
The Repealing and Amending Act, 1927.

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#### STATEMENTS LAID ON THE TABLE.

TENDERS FOR STORES NOT ACCEPTED BY THE HIGH COMMISSIONER FOR INDIA  
DURING THE LAST YEAR ENDING 31ST DECEMBER 1926.

**The Honourable Sir Bhupendra Nath Mitra** .(Member for Industries and Labour) : Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending 31st December, 1926.

[Sir Bhupendra Nath Mitra.]

HIGH COMMISSION  
INDIA STOREAbstract of cases in which Tenders, other than the lowest complying with  
of superior quality, superior trustworthiness of the firm tender-

HALF-YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for  
British

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Cloth Tracing ..	F.1297/1506/13-7-26	Winterbottom Book Cloth Co., Ltd.	£ s. d. 455 7 0
Coach Screws ..	F.1950/2125/14-8-26	Guest, Keen & Nettle- fold, Ltd.	52 18 7
Steel Tyres ..	F.1747/1874/4-8-26	Surahammers Bruks Aktiebolag for 747 tyres.	4,119 0 0 (Swedish)
	F.1748/1874/4-8-26	The United Steel Com- panies, Ltd. for 742 tyres.	4,459 10 0 (British).
	F.1749/1874/4-8-26	Blaenavon Co. for 650 tyres.	2,795 0 0 (British).
		Total ..	11,373 10 0
Locomotives ..	F.2450/1494/9-9-26	North British Locomo- tive Co., Ltd.	26,775 0 0 (Dely : 22/26 Wks.).

ER FOR INDIA.

DEPARTMENT.

the technical description of the goods demanded, were accepted on the grounds of greater facility of inspection, quicker delivery, etc.

31ST DECEMBER, 1926.

*foreign made goods, have been set aside wholly or partially in favour of tenders.*

Lowest Tender not accepted.	Reason for acceptance.
<p>£   s.   d. 443   5   0 (German).</p>	<p>The accepted tender was considered to be the best offer, having regard to the extra cost of inspection that would have been incurred if the order had been placed with the lowest tenderer.</p>
<p>36   12   8 (Belgian).</p>	<p>The lowest tenderer required 16 weeks for delivery but, as the indent stated that half of the screws were required in India by October 1926, the offer of Messrs. Guest, Keen and Nettlefold—the next lowest tenderer—was accepted. This firm undertook to deliver in 2 weeks.</p>
<p>11,219   16   1 f. o. b. Gothenburg. (Sweden).</p>	<p>2,139 tyres for railway engine, carriage and wagon wheels of various descriptions were demanded for the State Railways, some being required very urgently.</p>
	<p>The three firms named were given the items for which they were lowest, with the exception of the following urgent items which were ordered from the United Steel Companies, who offered speedy delivery :</p> <p>405 tyres, for which the Surahammers Bruks Aktiebolag were lowest. From experience it was anticipated that there would be delay in delivery if these were ordered from the Swedish firm ; in addition, considerable time would have been taken up in sending test pieces from the firm's works to the National Physical Laboratory ; further, sailings from Gothenburg are infrequent and the vessels are delayed at Antwerp en route to India.</p> <p>150 tyres, for which the Blaenavon Company was lowest. This firm could not offer delivery until after the resumption of work after the termination of the coal strike.</p>
<p>25,704   0   0 (Dely : 30/38 Wks.) (Swiss).</p>	<p>These locomotives were the first of a new type, and it was considered very desirable that the new standard details should be worked out by a firm of repute under the close supervision of the Consulting Engineers. Further, 12 locomotives of the same type had been ordered before from the North British Locomotive Company.</p>
	<p>The lowest suitable tender was from a Continental firm which although generally suitable for this class of work under adequate supervision, was not regarded by the Consulting Engineers as being equal in the matter of workmanship to the North British Locomotive Company. Moreover, the delivery offered—30 to 38 weeks—was extremely long.</p>

[Sir Bhupendra Nath Mitra.]

PART

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Copper Rods ..	F.2524/3437/14-9-26	Broughton Copper Co., Ltd.	7,136 10 8
Carriage, bogies, etc.	F.3779/3215/4-12-26	Metropolitan Carriage, Wagon & Finance Co., Ltd.	2,179 10 0

A—*contd.*

Lowest Tender not accepted.	Reason for acceptance.
<p>£      s.      d.</p> <p>7,093 13 0 (German).</p> <p>2,117 0 0 (German).</p>	<p>The next tender was unsuitable on account of the remote situation of the works. The next two tenders were very little lower than the North British Locomotive Company in price, and the difference would have been more than offset by the extra cost of inspection.</p> <p>In view of the facilities for co-ordination of the details of design, the standard of workmanship, economy of inspection and time for delivery, it was considered that the North British Locomotive Company's tender was the most advantageous</p> <p>The accepted tender was considered to be the best offer, having regard to the extra cost of inspection that would have been incurred if the order had been placed with the lowest tenderer.</p> <p>The lowest tender was from a Continental firm, and the extra cost of inspection would have been more than the difference between their tender and that of the Metropolitan Carriage, Wagon and Finance Company.</p>

[Sir Bhupendra Nath Mitra.]

## PART B—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			<div>£ s. d.</div>
Machines, Railway Ticket Printing.	F.1292/1708/12-7-26	Waterlow & Sons, Ltd.	1,070 11 0
Paint, white lead	F.1542/1617/24-7-26	Associated Lead Manufacturers Export Co., Ltd.	385 0 0
Road Rollers ..	F.1576/2054/26-7-26	Aveling & Porter, Ltd.	1,243 15 0
Linoleum ..	F.1600/2103/27-7-26	Fife Linoleum Co., Ltd.	723 10 10
Cambric, Cotton, Puggri, Khaki.	F.1752/2686/4-8-26 ..	Louis Behrens & Sons ..	10,625 0 0
	F.1753/2686/4-8-26 ..	E. Sp nner & Co. ..	7,583 6 8
		Total ..	18,208 6 8
Venturi Meters ..	F.2184/1275/27-8-26	George Kent, Ltd. ..	701 0 0
Lint .. ..	F.2152/850/26-8-26 ..	Southall Bros. & Barclay, Ltd.	1,831 18 6
Paint, Enamel ..	F.2160/2455/26-8-26	London Varnish and Enamel Co., Ltd.	562 10 0

*is between British firms only.*

Lowest Tender not accepted.	Reason for acceptance.
<p>£   s.   d. 903   0   0</p>	<p>The indenting officer demanded Waterlow's railway ticket printing machines. Competitive tenders were invited and the lowest tenderer—Messrs. Pratchett Brothers—quoted £903 for machines of the type which had been supplied to other Indian railways for the same work as now required. Messrs. Waterlow, the next lowest tenderer, quoted £1,070-11-0.</p> <p>The two quotations were telegraphed to the indenting officer, who replied that Waterlow's machines should be supplied.</p> <p>The order was placed accordingly.</p>
<p>370   0   0</p>	<p>The indenting officer specially asked for the same brand of white lead as previously supplied to him.</p> <p>As the extra cost was only £15 above the lowest quotation, this request was complied with.</p>
<p>1,200   8   0</p>	<p>The indenting officer demanded Aveling and Porter's type road rollers.</p> <p>Competitive tenders were invited and the lowest tenderer, Messrs. Marshall Sons and Company, quoted £1,200-8-0. The next lowest tenderer Messrs. Aveling and Porter, quoted £1,243-15-0.</p> <p>The two quotations were telegraphed to the indenting officer, who replied that Aveling and Porter's tender should be accepted. The order was placed accordingly.</p>
<p>690   0   0</p>	<p>Accepted on the grounds of the superior quality of the goods offered which represented more than the small difference in cost.</p>
<p>17,708   6   8</p>	<p>The indenter cabled for a very early supply in view of shortage in the Factories in India.</p> <p>As the lowest tenderer had not submitted a sample with his tender as required by the specification and in view of the urgency, a portion of the order was placed with E. Spinner &amp; Co., with the quality of whose goods the Department was familiar and who undertook much earlier completion of delivery, and the balance was given to the lowest tenderer.</p>
<p>613   0   0</p>	<p>The meters offered by George Kent, Limited, and by the lowest tenderer were of different types and the tenders were referred to the indenting officer, who selected those offered by George Kent, Limited.</p>
<p>1,767   1   11</p>	<p>The lint offered by Southall Brothers and Barclay, Limited, had an area approximately 2 feet per lb. larger than that of the lint offered by the lower tenderer, and was considered better value.</p>
<p>540   0   0</p>	<p>Accepted on the grounds of superior quality of the stores offered which represented more than the difference in price between the two quotations.</p>



[Sir Bhupendra Nath Mitra.]

## PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£   s.   d.
Cables, 22,000 Volt.	F.1320/S.14250/14-7-26.	Callender's Cable and Construction Co., Ltd.	19,530   12   2
Rolled Steel Joists	F.2401/3671/7-9-26 ..	Lanarkshire Steel Co., Ltd.	765   0   0 (Delivery 3/4 weeks after resumption of work).
Gloves, Worsted ..	F.2546/S.3370/15-9-26	Allen & Bastick ..	496   2   7
Anchors ..	F.2895/1120/13-10-26	N. Hingley & Sons, Ltd.	315   0   0
Turntable ..	F.2997/2819/19-10-26	Patent Shaft & Axletree Co., Ltd.	1,888   0   0
Boilers ..	F.2972/4741/18-10-26	Marshall & Sons ..	1,274   0   0
	F.2973/4741/18-10-26	Cradley Boiler Co. ..	295   0   0
			1,569   0   0
Theodolites ..	F.3065/3543/25-10-26	Cooke, Troughton & Simms, Ltd.	3,246   2   0
X.-Ray Apparatus	F.3110/4689/26-10-26	Watson & Sons ..	263   4   2

—contd.

Lowest Tender not accepted.	Reason for acceptance.
<p>£      s.      d. 17,392 15    4</p> <p>759    0    6 (8/10 weeks after resumption      of work).</p>	<p>It was decided that it would be more economical to accept Messrs. Callender's Company's tenders, who offered cables which were technically superior to those proposed by the lowest tenderer. Accepted on the ground of quicker delivery.</p> <p>The stores were required to reach India in December, 1926.</p>
<p>464    2    5 (Delivery 16 Weeks).</p> <p>480    2    6 (Delivery 10 Weeks).</p> <p>480    2    6 (Delivery 13 Weeks).</p>	<p>The gloves were originally ordered from Messrs. J. Bradshaw &amp; Co., who after 4 months' delay, proved unable to supply in accordance with this Department's sealed patterns. It was therefore decided to call for fresh tenders and to cancel Messrs. Bradshaw's contract and buy against them.</p> <p>The three lowest tenderers could not undertake to commence delivery before 29th November and, as the gloves were urgently wanted in India, the order was placed with the fourth lowest tenderer, Messrs. Allen &amp; Bastick, who had just completed satisfactorily a similar supply and who offered to commence delivery by 15th October and to complete by 15th November.</p>
<p>302 10    0</p>	<p>The anchors were most urgently required and a telegram was received from India requesting that the order should be placed with the firm who could undertake the earliest delivery.</p> <p>The lowest tender offered delivery in 5 weeks, but Messrs. Hindley &amp; Sons, whose price was £12-10-0 higher, offered delivery in three weeks, and their tender was accordingly accepted.</p>
<p>1,868    0    0</p>	<p>The turntable was urgently required in India.</p> <p>The lowest suitable tenderer offered delivery in 14 weeks, where as the Patent Shaft &amp; Axletree Co., Limited—the next lowest tenderer—offered delivery in 8/10 weeks. As their price was only £20 higher their tender was accepted.</p>
<p>1,380    0    0 1,514    0    0* 1,524    0    0</p> <p>*Accepted for part offered from stock only.</p>	<p>These boilers were demanded in a telegram which asked that they should be shipped immediately. The lower tenders passed over offered delivery in 12/17 weeks after the receipt of material at works.</p> <p>As these offers were both long and indefinite the order was divided between Marshall &amp; Sons, and the Cradley Boiler Co. who offered early delivery from stock.</p>
<p>3,205 19    0</p>	<p>After consultation with the indenting officer, the order was placed with Cooke, Troughton &amp; Simms, Limited, whose workmanship was considered superior to that of the lower tenderer.</p>
<p>234 18    6</p>	<p>The indenting officer had specially recommended that the apparatus should be obtained from Watson &amp; Sons as this firm's quotation was only £28-5-8 higher than the lowest offer, their tender was accepted.</p>

[Sir Bhupendra Nath Mitra.]

PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Apparatus ..	F.3206/5031/1-11-26	Watson & Sons ..	£ s. d. 80 17 7
X-Ray Unit ..	F.3208/4645/1-11-26	A. E. Dean ..	216 0 0
Buckled Plates, M. S.	F.3221/4865/1-11-26	Joseph Westwood & Co., Ltd.	2,023 9 6 (Delivery 9/11 Weeks).
Sinks, Laboratory	F.3426/5003/12-11-26	Baird & Tatlock ..	27 15 3
Tubing, M. S., etc.	F.3444/5053/13-11-26	John Russell & Co. ..	38 2 8
Trough Plates, M. S.	F.3362/5437/9-11-26	Joseph Westwood & Co.	292 10 0
Traverse Wheel Grinders, etc.	F.3387/5044/10-11-26	Dronsfield Bros., Ltd. ...	124 8 6 (Plus F. O. B. charges.)

—contd.

Lowest Tender not accepted.	Reason for acceptance.
<p>£ s. d. 79 12 0</p>	<p>The indenting officer specially asked for the supply from Watson &amp; Sons. As their price was only £1-5-7 higher than the lowest tender, their offer was accepted.</p>
<p>177 10 0</p>	<p>Technically equivalent offers at prices lower than those quoted by A. E. Dean were received, but as X-Ray Apparatus of Dean's pattern and make had been demanded, this firm's tender was accepted.</p>
<p>1,773 8 2 (Delivery about 12 Weeks).</p>	<p>These plates were required for the repair of a bridge which was reported to be in a dangerous condition. The lowest tender was for delivery in about 12 weeks. In view of the extreme urgency of the demand the order was placed with Messrs. J. Westwood &amp; Co., who offered an earlier and definite date for delivery.</p>
<p>20 12 6</p>	<p>The sinks were stated to be required in India by about the middle of November and the lower tenderer could not guarantee delivery before the beginning of February, 1927. As Messrs. Baird &amp; Tatlock tendered for delivery at the beginning of December their offer was accepted.</p>
<p>31 19 11</p>	<p>The tubing was required in India by December, 1926.</p>
<p>36 12 2</p>	<p>The two lower tenderers could not undertake delivery until 2—4 weeks after the termination of the coal strike. The order was accordingly placed with the next lowest tenderer who offered definite delivery in 7—14 days.</p>
<p>266 12 6</p>	<p>The trough plates were demanded in a telegram which stated that they were required immediately.</p>
<p>267 0 0</p>	<p>The lowest tenderer offered a very indefinite delivery (6 weeks from the date of the resumption of work after the coal strike) The second lowest tenderer offered delivery in 9 weeks.</p> <p>Although the section of the material quoted for by these firms was not considered unsuitable, yet it was not exactly in accordance with the demand.</p> <p>Messrs. J. B. Westwood &amp; Co., the lowest tenderer, offered material exactly as demanded and promised delivery in 6 weeks. Their tender was accordingly accepted.</p>
<p>119 9 8</p>	<p>The order was placed with Messrs. Dronsfield Bros., Limited, as their machinery was specified by the indenting department and their tender was only about £5 higher than the lower tender.</p>

[Sir Bhupendra Nath Mitra.]

## PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Syringes ..	F.3468/4707/16-11-26	Down Bros., Ltd. ..	35 0 0
Socks ..	F.3534/5488/18-11-26 (83,500 pairs).	Henry Bates & Co., Ltd.	4,178 4 3
	F.3535/5488/18-11-26 (66,500 pairs).	Thos. Morley & Sons ..	3,463 10 10
			7,641 15 1
Forks, Table ..	F.3554/4916/19-11-26	Geo. Butler & Co., Ltd.	303 12 11
	F.3556/4916/19-11-26	Walker & Hall, Ltd. ..	300 0 0
			603 12 11
Mild Steel Strip ..	F.3565/5525/19-11-26	J. Walsh & Co. (Birmingham), Ltd.	77 17 6
Levels ..	F.3557/5393/19-11-26	Cooke, Troughton & Simms, Ltd.	257 0 0
Punkah Motor & Gear.	F.3804/5200/7-12-26	Garrard Gears, Ltd. ..	83 16 6
Spring Steel ..	F.3537/5187/18-11-26	J. H. Andrew & Co., Ltd.	69 8 4

—contd.

Lowest Tender not accepted.	Reason for acceptance.
<p>£ s. d. 27 10 0</p> <p>7,539 11 8</p>	<p>The indenting officer asked for supply from Down Bros. As their price was only £7-10-0 higher than the lower tenderer, their offer was accepted.</p> <p>These 150,000 pairs of socks were urgently required in India. The lowest tenderer, Messrs. Bates &amp; Co., required 4 weeks to commence and 16 weeks to complete delivery.</p> <p>The Department however had no recent experience of this firm's work as no order had been placed with them for many years. Therefore, in order not to be entirely dependent on them, and with a view to obtaining earlier completion of delivery, it was considered advisable to order 83,500 pairs from this firm, and to obtain the remaining 66,500 from the next lowest tenderer.</p> <p>The extra cost was £102-3-5.</p> <p>The forks were required in India not later than 31st December 1926, and the lowest tenderer Messrs. Geo. Butler &amp; Co., Ltd., required 4 weeks to commence and 27 weeks to complete delivery.</p>
<p>598 1 9</p> <p>71 15 0</p> <p>240 5 0</p> <p>76 15 0</p> <p>68 0 1</p>	<p>Messrs. Walker &amp; Hall, Ltd., the next lowest, offered to commence supply in 3 to 4 weeks and to complete in 14 weeks. In view of the urgency and of the small difference in cost it was decided to divide the order between the lowest two tenderers.</p> <p>The lowest tenderer offered delivery in 4 weeks after resumption of work on the termination of the coal strike. As the steel strip was urgently required in India the order was placed with the next lowest tenderer who offered delivery in 2 weeks irrespective of the strike.</p> <p>The indenting officer demanded levels manufactured by Messrs. Cooke, Troughton &amp; Simms. Competitive tenders were invited, and an offer was received from another firm for technically equivalent instruments at £240-5-0. Messrs. Cooke, Troughton &amp; Simms quoted £257-0-0. The quotations were telegraphed to the indenting officer who expressed his unwillingness to accept the cheaper alternative.</p> <p>Messrs. Garrard Gears, Ltd., offered a more efficient motor, and better value for money than the lowest tenderer, and their offer was consequently accepted.</p> <p>The spring steel was required as soon as possible. As the lowest tenderer could only offer delivery 4-5 weeks after resumption of work, following the termination of the mining dispute, the order was placed with the next lowest tenderer who offered definite delivery in 3-4 weeks.</p>

[Sir Bhupendra Nath Mitra.]

- PART B

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Wire Steel ..	F.3796/5472/6-12-26	Whitecross Co. ..	<div>£ s. d.</div> <div>765 0 0</div>
Machine, Crank pin Truing.	F.3840/4340/9-12-26	Beyer Peacock & Co. ..	96 10 0
Paper, Printing ..	F.3842/4463/9-12-26	Alex. Cowan & Sons, Ltd.	593 10 10
Ink, registration .. Ink, blue black & red.	F.3853/5104/10-12-26	H. Morrell, Ltd. ..	166 13 4
	F.3854/5104/10-12-26	H. C. Stephens, Ltd. ..	305 4 2
Serge, Drab mixture	F.3879/6018/11-12-26	James Harper & Sons ..	1,447 18 4
Polystat, etc. ..	F.3923/4385/15-12-26	A. E. Dean .. ..	<div>0</div> <div>46 10 0</div>
M. S. Plates Galva- nised.	F.4027/5565/21-12-26	Wm. Beardmore & Co., Ltd.	105 9 4

—contd.

Lowest Tender not accepted.	Reason for acceptance.
<p>£    s.   d. 750   0   0</p>	<p>30 tons of steel wire were demanded, of which 10 tons were urgently required. As the lowest tenderer was unable to state when delivery could be made the order was placed with the next lowest tenderer who offered delivery in 3 to 4 weeks.</p>
<p>53   0   0</p>	<p>The machine offered by Messrs. Beyer Peacock &amp; Co. was considered superior in every way to the cheaper machine the design and construction of which was not considered suitable for indenter's requirements.</p>
<p>485 12   6</p>	<p>Previous supplies of this paper had been made by Messrs. Alex. Cowan &amp; Sons, Ltd. On this occasion, however, a lower tender was received for paper which was considered to be equally suitable. The two quotations were cabled to the indenting officer, who in reply stated that he preferred Cowan's paper.</p>
<p>102   1   8 124   6   1</p>	<p>The indenting officer, specified in the Indent that the registration ink should be supplied by Messrs. H. Morrell, Ltd., and that the blue black and red inks should be supplied by Messrs. H. C. Stephens, Ltd. Competitive tenders were obtained and offers for inks considered to be of equal quality were obtained at lower prices than from the above specified firms. The matter was referred to the indenting officer, who replied that it was essential that the inks be supplied by Messrs. Morrell and Stephens, respectively.</p>
<p>1,401 11   6</p>	<p>The lowest tenderer had not executed any contracts for the London Store Department and it was doubtful whether they could supply satisfactorily. In view of the urgency of the demand, and of complaints from the military authorities in India regarding variations in the shade of this material, it was decided to place the order with Messrs. James Harper &amp; Sons, the next lowest tenderer who had recently made satisfactory supplies under another contract.</p>
<p>33 10   0 34   7   4</p>	<p>The indenting officer demanded a polystat specifying Mr. A. E. Dean as supplier. Competitive tenders were invited, and offers of equivalent apparatus were obtained at prices lower than Dean's. The indenting officer was informed, and he replied that Dean's tender should be accepted, as this make was known to be satisfactory.</p>
<p>96 13   0 99   1 10 102   5   0</p>	<p>Wm. Beardmore &amp; Co., Ltd., offered delivery in from 3-4 weeks after the resumption of rolling early in January. None of the firms who tendered at a lower price could make any definite offer of delivery.</p>



[Sir Bhupendra Nath Mitra.]

## PART C.—Cases in which the discrimi-

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Couplings, Screw	F.-1736/1882/4-8-26	Wittekindwerke Brausen, Ebeling and Natorp G. m. b. H.	£ s. d. 7,545 0 0 (German).
	F.1/737/1882/4-8-26	Fried Krupp, A. G. ..	8,383 15 0 (German).
			£15,928 15 0
Brass and Copper Plate.	F.-2922-3865/15-10-26	C. Heckmann, A. G. ..	219 10 0 (German).
Steel Dogspikes ..	F.-3353-S./3421/9-11-26	Ste. Ame. des Boulonneries de Liege et de la Blanchisserie.	Rate per ton. £9 16 0 for 250 tons £10 2 0 for 157 tons Belgian.
No. 1,250,000, tons 407.			
No. 1, 250,000 —tons 407.	F.-3354-S./3421/9-11-26.	Usines and Acieries Allard.	£10 8 0 Belgian.
No. 1,750,000 —tons 570.	F.-3355-S./3421/9-11-26.	A. de Barsy .. ..	£10 8 0 Belgian.
No. 2,250,000 —tons 733.	F.-3356-S./3421/9-11-26.	Soc. Anme. Usines Gilson	£10 8 1 Belgian.
No. 500,000 —tons 163.	F.-3357-S./3421/9-11-26.	Usines Gustave Boel ..	£10 8 6 Belgian.
			Total cost of the 7,000,000 spikes £23,535 0 0 approx.
Cotters .. ..	F.-3759-H. N./538/3-12-26.	Wittekindwerke Brusen, Ebeling and Natorp.	2,875 0 0 German.
	F.-3760-H. N./538/3-12-26.	Becherwerk .. ..	1,786 0 0 German.
			£4,661 0 0
Tie Bars ..	F.-3761/H. N./538/3-12-26.	Soc. Anon. de la Providence.	27,000 0 0 Belgian.
	F.-3762/H. N./538/3-12-26.	Soc. Anon des Forges Founderies and Laminaires de Nimy.	11,852 0 0
			£38,852 0 0

*nation is between foreign firms only.*

Lowest Tender not accepted.	Reason for acceptance.
£      s.      d.	
<p>15,090 0 0 (German). 208 9 2 (French).</p> <p>None of the tenders at the lowest rates offered the full quantity of dog-spikes.</p> <p>If no regard had been paid to delivery the 7,000,000 spikes could have been purchased for £23,425 0 0 approx.</p>	<p>The lowest tender was from the Wittekindwerke of Westhofen near Essen.</p> <p>This firm had not previously supplied screw couplings for Indian Railways and it was therefore decided to place only half the requirements with them as a trial order.</p> <p>The remainder was ordered from the next lowest tenderer, Messrs. Krupp.</p> <p>Accepted on the grounds of quicker delivery.</p> <p>Half the quantity at each item was required to reach India in November, 1926, and the balance 2 months later.</p> <p>The lowest tenderer could not undertake to deliver the urgent portion in less than 3 to 3½ months, whereas the next tender (which was accepted) offered to deliver in about 4 weeks.</p> <p>Division between the two firms would not have been worth while.</p> <p>These were simultaneous tenders, and in communicating decision on the tenders, the indenting officer stated that it was essential that the whole of the dog-spikes should be delivered in India by the end of June, 1927, and requested that if possible the order should be divided between two or three firms.</p> <p>The order was divided between the <i>five lowest</i> tenderers, each receiving an order for the quantity he could be relied upon to deliver within the specified time.</p>
£4,550 0 0	<p>Tenders were invited simultaneously in India and in London, and details of the lowest tenders were cabled to the indenter.</p> <p>Presumably on account of the earlier delivery offered, the indenter selected the highest quotation.</p> <p>It was possible, however, to secure equal or better delivery at a lower price by dividing the contract between two tenderers and orders were placed accordingly.</p>
£36,515 0 0	Ditto.

[Sir Bhupendra Nath Mitra.]

PART D.—*Cases in which lower British tenders have been*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Wheels, Grinding. .	F.2383/1862/7-9-26	Alfred Herbert, Ltd. . .	<div>£   s.   d.</div> <div>595 18 5</div> <div>f. o. b. New York.</div>

*set aside wholly or partially in favour of Foreign tenders.*

Lowest Tender not accepted.	Reason for acceptance.
<p>£    s.   d.</p> <p>546   5   10</p>	<p>The demand specified that Norton wheels should be supplied as they had been found to be the most satisfactory.</p> <p>As, however, the Carborundum Co. and the Universal Grinding Wheel Co., were known to be manufacturers of wheels of reliable quality, these firms were invited to tender in competition with Alfred Herbert, Ltd., the Agents in this country for Norton wheels. The two first named firms both tendered at about £49-12-0 lower than Alfred Herbert, Ltd.</p> <p>The quotations were therefore telegraphed to the indenting officer who replied that Norton wheels should be supplied.</p>

## SUBJECTS DISCUSSED BY THE CENTRAL ADVISORY COUNCIL OF RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I lay on the table a statement showing :

- (1) subjects discussed by the Central Advisory Council for Railways ;
- (2) Conclusions arrived at by the Central Advisory Council ;
- (3) action taken by Government,

for which the Honourable Sir Hari Singh Gour asked in his question No. 815, dated the 9th March 1927.

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
<p>1922.</p> <p>1. Local Advisory Councils ..</p>	<p>The memorandum regarding "Local Advisory Councils" was discussed and the following outline was provisionally agreed to :—</p> <p>(1) <i>Title</i>.—The new bodies should be known as "Railway Advisory Committees."</p> <p>(2) <i>Constitution</i>.—A separate Main Committee to be constituted for each Administration. Branch Committees should be formed at important places but it was considered desirable that the decision in this respect should be left to Main Committee in each case who would send on their recommendations for branches to the Central Advisory Council for approval.</p> <p>(3) <i>Composition</i>.—The Committee to consist of 12 members as follows :—</p> <p>(a) Agent—<i>ex-officio</i> Chairman.</p> <p>(b) Two Local Government Members to be nominated by the Local Government in whose jurisdiction the headquarters of the Railway was situated.</p> <p>(c) Three representatives of the Legislative Council of the Local Government in whose jurisdiction the headquarters of the Railway in question was situated.</p>	<p>The Government of India accepted all the recommendations excepting (a) the proposal that the formation of branch committees should be referred to the Central Advisory Committee, it being decided that this should be left to the Agent who will consult the Main Committee, if necessary, and</p> <p>(b) a proposal that for the Main Committee on the East Indian Railway both the Government of Bengal and Bihar and Orissa should each nominate one member instead of the Government of Bengal nominating both.</p> <p>The memorandum was revised accordingly and circulated to all the Railways and Local Governments. Railways were requested to take measures in consultation with the local Governments for the constitution of Committees.</p>

[Sir George Rainy.]

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
<p>1922—<i>contd.</i></p>	<p>(d) One Member from the Local Municipality or Corporation at the Railway Headquarters.</p> <p>(e) Five members representing industries, commerce and trade.</p> <p>It was recommended that members of the Central Advisory Council should not be debarred from membership of the L. A. Cs. and that Agents might invite their Heads of Departments to attend but in the capacity of Technical Advisers only.</p> <p>(4) <i>Remuneration.</i>—Non-official members should be paid Rs. 32 for each meeting attended.</p> <p>(5) <i>Scope of duties.</i>—The following subjects may be discussed :—</p> <p>(a) Alterations in Time Tables and Passenger services.</p> <p>(b) Alterations of rates and fares and changes of goods classification.</p> <p>(c) Proposals in regard to new projects and extensions.</p> <p>(d) Proposals in regard to new rolling stock.</p> <p>(e) Any matter affecting the general public interest or convenience.</p> <p>Questions of personnel, discipline and appointments will not be brought before the Committee.</p>	

2. State <i>versus</i> Company management	Majority was in favour of State Management	..	..	The matter was later discussed in the Legislative Assembly and in accordance with its recommendations the East Indian and the Great Indian Peninsula Railways have been taken over by the State.
3. Strategic Railways	..	..	The Railway capital budget should show under distinct sub-heads the expenditure proposed for (a) Strategic Railways, (b) other lines. As a necessary preliminary, the list of lines classed as strategic should be reconsidered in the light of lines constructed and worked mainly for military as distinguished from commercial purposes. In respect of Revised budget the existing procedure of showing separate figures of earnings and expenditure of strategic Railways should be maintained.	Recommendations fully given effect to.
4. Branch Line Policy	..	..	While agreeing that the Branch Line Terms could not be revised just then the Council was of opinion that if the Government of India were satisfied that any particular feeder line was urgently required in the public interest the question of encouraging the floatation of a Branch Line Company should be considered on its merits. (See also item No. 2 under 1925 below).	The Branch Line Terms have since been abandoned with the approval of the Central Advisory Council. See item 2 of 1925 below.
5. Separation of Budgets	..	..	The Central Advisory Council adhered to the decision of the Railway Finance Committee that the separation of budgets was not then a practicable proposition and that the question should be re-examined when conditions became normal and financial equilibrium was established.	No action on the part of Government called for then.
1923.				
1. Constitution of a Rates Tribunal	..	..	After discussion it was agreed— 1. That the Rates Tribunal should be constituted and that until sufficient experience was gained to enable the Railways Act to be amended the Tribunal should be an investigating body only to deal with the following subjects:— (1) Complaints of undue preference—Section 42(2) of the Indian Railways Act.	The recommendation was accepted by the Government of India and the matter was referred to the Secretary of State for acceptance.



[Sir George Rainy.]

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
<p>1923—<i>contd.</i></p>	<p>(2) Complaints that rates are unreasonable in themselves.</p> <p>(3) Complaints or disputes in respect of terminals—Section 16 of the Indian Railways Act.</p> <p>(4) The reasonableness or otherwise of any conditions as to packing of articles specially liable to damage in transit or liable to cause damage to other merchandise.</p> <p>(5) Complaints in respect of conditions as to packing attached to a rate.</p> <p>(6) Complaints that Railway Companies do not fulfil their obligations to provide reasonable facilities under Section 42(3) of the Indian Railways Act.</p>	
<p>2. Amendment of Railway Act to make travelling without tickets a cognisable offence.</p>	<p>After discussion it was decided that it was not advisable to amend the Indian Railways Act until all other possibilities for checking the evil had been tried.</p>	<p>The suggestion was accepted and the Railway Administrations were asked to furnish the Railway Board with particulars of the steps which had been taken by them to improve methods of ticket checking and collection.</p>
<p>3. Depreciation Fund</p>	<p>A memorandum on the proposed establishment of a Depreciation Fund for Railways was placed before the C. A. C.</p>	<p>A Railway Depreciation Fund has been formed.</p>
<p>4. Provision for New Construction</p>	<p>In the event of there being any savings on the Capital programme of Rs. 150 crores authorised for the rehabilitation and improvement of Railways in India during the five years ending 1926-27 after the work of rehabilitation and improvement had been provided for, such savings be utilised for remunerative projects, which should be taken up as and when they could be financed.</p>	<p>The recommendation of the Central Advisory Council was acted upon as far as possible. It was found that the full amount of the Capital programme was not likely to be expended within the quinquennium on open line facilities and the investigation of the prospects of projected railways promising an adequate return was undertaken and expenditure on the more important ones was provided for.</p>

<p>Mr. Cole's Report</p> <p>..</p> <p>..</p>	<p>An Officer should be placed on special duty to make definite recommendations for the training of each class of employee and that preliminary negotiations should then be entered into with:—</p> <p>(a) Government of Bombay in respect to the Sydenham College of Commerce and Economics.</p> <p>(b) Government of Bengal with respect to the Bengal Engineering College.</p>	<p>Mr. Flatt, an Officer of the G. I. P. Railway, was placed on special duty and definite recommendations were drawn up. Negotiations with the Sydenham College were carried out but it was decided that the courses in economics could be more cheaply and as effectively be given at the Chaudasi School.</p> <p>As regards the negotiations with the Bengal Engineering College, Sibpur, the recruitment scheme for the training of special apprentices for the Mechanical Engineering and Transportation (Power) Departments provides for a two-year course in higher mechanical training at Sibpur.</p>	<p>Steps taken as recommended which eventually led to the separation of Railway Finance from General Finances.</p>
<p>1924.</p> <p>1. Separation of Railway Finance from General Finances.</p> <p>2. <i>North-Western Railway Contract for Sleepers</i>.—This was discussed under four issues:—</p> <p><i>Issue No. 1.</i>—In calling for a five-year contract for whole or part supply in October 1922, did Railway Administration exercise ordinary business prudence.</p> <p><i>Issue No. 2.</i>—Should the whole contract have been given to Messrs. Spedding and Company.</p>	<p>The Central Advisory Council recommended that the question should be discussed by a Committee of the Legislature before it was finally placed before the House for discussion.</p> <p>Railway Administrations would have been well advised to watch the course of prices for some time before entering into a long term contract and that in entering into a five-year contract when it did, the Railway Administration did not exercise ordinary business prudence.</p> <p>The Railway Administration should not have given a monopoly to a single firm.</p>	<p>The Agent, North Western Railway, was informed that the Government of India recognise that there is room for a fair difference of opinion and are not prepared to subscribe to the view that in concluding a five-year contract, the Railway Administration did not exercise ordinary business prudence.</p> <p>The Agent, North Western Railway, was informed that the Government of India consider that tenders for part supply should have been considered on their merits.</p>	<p>The Agent, North Western Railway, was informed that the Government of India recognise that there is room for a fair difference of opinion and are not prepared to subscribe to the view that in concluding a five-year contract, the Railway Administration did not exercise ordinary business prudence.</p> <p>The Agent, North Western Railway, was informed that the Government of India consider that tenders for part supply should have been considered on their merits.</p>

[Sir George Rainy.]

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
<p>1921—contd.</p> <p>Issue No. 2.—contd.</p>	<p>Sir Purshotandas Thakurdas asked—</p> <p>(1) whether Speedling and Company had fulfilled their contracts in full and up to time, and</p> <p>(2) whether prices had been revised in their favour during the currency of any of the contracts.</p>	<p>Sir Purshotandas Thakurdas's questions were answered in full, the following is a brief summary:—</p> <p>(1) The firm had never let the North Western Railway down even when circumstances were known to be against them and when the rates agreed upon with them became unfavourable. The firm were seldom and then too to a very slight extent behind hand in delivering the contractual number of sleepers in a year.</p> <p>(2) Prices had been revised only once in their favour. The price was raised from Rs. 4-8-0 to Rs. 5 for one year in a five-year contract when the market rate per sleeper during that year ranged from Rs. 9-6-0 to Rs. 12-8-0.</p>
<p>Issue No. 3.—Should the terms have been varied after the acceptance of the contract.</p>	<p>The terms should not have been varied after the acceptance of the contract and the Railway Administration should not have called for tenders in a form which was entirely out of date.</p>	<p>The Agent, North Western Railway, was informed that the Government of India agree with the Central Advisory Council that the terms should not have been varied after the acceptance of the contract. Agent asked to take in hand the revision of the tenders form.</p>
<p>Issue No. 4.—Are there any specific points which form a consideration of this case, the Central Advisory Council might suggest for investigation by the Officers who are enquiring into the best method of obtaining sleepers in future.</p>	<p>1. Proper arrangements should be made for co-ordination between the Railway Department of the Government of India and the Forest Departments of Local Governments in the different provinces in the matter of sleeper supplies.</p>	<p>The Chief Commissioner explained that this matter had already been taken up and that the joint report of the Chief Engineer and a Forest Officer on the subject was under the consideration of the Board.</p>

The present position is that a Timber Advisory Officer who is a selected Officer of the Forest Department has been lent to the Railway Board to work on behalf of the Railway Department as their adviser in the matter of sleeper purchase and to act as an intermediary between Forest Owners or Departments on the one hand and the heads of the various branches of the sleeper pool on the other.

Sir Charles Innes promised that this question would be examined and brought up before the next meeting of the Central Advisory Council.

The North Western Railway was addressed on the subject.

This was done.

2. The whole question of the powers of the Agents in the matter of the placing of sleeper contracts should be brought under review.

No proposals in respect of Technical training were made at this meeting. But Rai Bahadur Lala Ramsaran Das complained of the paucity of Indians in the subordinates Traffic Service of the North Western Railway. Sir Charles Innes promised to investigate the matter.

See item No. 4 in 1923 (Provision for New Construction).

The Chairman pointed out that as a result of a more detailed examination of the position it was now expected that the total estimated amount required to write down stores to the then market value would be Rs. 120 lakhs instead of 3 crores, as originally estimated. He invited the opinion of the Central Advisory Council on Government's proposal to approach the Assembly for a grant to clear off the balance outstanding for that year. After discussing the relative merits of writing down the value of serviceable stores in one instalment or over a period of years, the Central Advisory Council finally approved of Government's proposal.

The Central Advisory Council discussed the question of the purchase of flexoid leather cloth and it was decided that a letter should be written to all Railways requesting that flexoid leather cloth be given a trial.

3. Technical training

4. New Lines

5. Stores Balances

6. Purchase of Stores

[Sir George Rainy.]

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
<p>1924—<i>contd.</i></p>	<p>Two further inquiries were made: (1) whether the Chief Controller of Stores after bringing to the notice of the indenting Railway, for future guidance, any instance in which stores indented for are available in India, held up the next indent, and (2) whether it would be practicable for the Railway Board to get periodical statements of indents, say once in six months from the Indian Stores Department, of articles indented from England which could be obtained locally.</p>	<p>Sir Charles Innes said he would inquire of Mr. Pitkeathly on both points and asked that the matter be brought before the Central Advisory Council again. This was done on the 25th March 1925; see English Stores Indents for the continuation of this discussion.</p>
<p>7 Recruitment of Assistant Traffic Superintendents.</p>	<p>Mr. Neogy suggested that until the permanent scheme for recruitment of Assistant Traffic Superintendents was brought into operation, future recruitment should be made by a committee consisting of the Railway Board and representatives of the Central Advisory Council. It was pointed out that it was unlikely that any further recruitment would be made before the permanent scheme was introduced; but Mr. Neogy's suggestion would be considered.</p>	<p>Since the proposal made by Mr. Neogy at the Council meeting of September, 1924 no selections for appointment of Assistant Traffic Superintendents have been made.</p>
<p>1925.</p>	<p>The only proposals were that no racial distinctions should be made at the School as regards messing arrangements and (2) that a Press notice should issue to let the Public know what was proposed to be done at Chaudausi.</p>	<p>Both proposals have been given effect to.</p>
<p>1. Railway School of Transportation, Chaudausi.</p>	<p>The proposed revised policy of financing branch lines company was approved.</p>	<p>The revised policy has been adopted.</p>
<p>2. Financing of Branch Lines</p>		

At a subsequent meeting held on the 22nd August, 1925, the Council was informed that Mr. Chase, Director of Mechanical Engineering, would go into the subject while on leave in England and would submit a Report.

The Tariff Board in its report on locomotives proceeded on the assumption that "the economical production of locomotives requires that the unit of production must be about 200 locomotives per annum."

"After considering the report made by Mr. Chase the Railway Board came to the conclusion that the assumption made by the Tariff Board was correct."

Action as regards (1) was taken by the appointment of a Timber Advisory Officer (see Issue No. 2 in 1924 North Western Railway Contract for Sleepers).

As regards (2) H. M. promised that the suggestion put forward by Sir Purshotamdas Thakurdas would be considered. This was done.

The Board were not able to accept the suggestion in its entirety, but Railways were asked to submit the following returns:—

1. Name of supplier.

2. Number of sleepers and kind (sal, deodar, east iron, etc.)

The Chairman pointed out that owing to the transfer between the Railways of surplus locomotives on one Railway to another on which there was a shortage, it was anticipated that very few engines would be required during the next year or so and that these would be of numerous different types. It has been decided that the Director of Mechanical Engineering with the Railway Board, who was shortly proceeding to England on leave, should study the question of locomotive manufacture in England and verify the conclusion arrived at by the Tariff Board of the number of locomotives which it would be necessary to construct in this country in any one year to make the industry a success.

This arose out of a previous discussion regarding the North Western Railway Contract for sleepers (see Issue No. 2 in 1924, North Western Railway Contract for Sleepers) when the Council put forward two specific recommendations in regard to the future arrangements for the purchase of sleepers by Railways, viz.:—

(1) that proper arrangements for coordination between the Railway Department and the Forest Department should be made, and

(2) that the whole question of the powers of Agents in placing the sleeper contracts should be brought under review.

Sir Purshotamdas Thakurdas also wished to know why the Railway Board did not accept tenders themselves.

[Sir George Rainy.]

Subjects discussed by Central Advisory Council.	Conclusions arrived at by Central Advisory Council.	Action taken by Government.
<p>1925—<i>contd.</i></p> <p>(1) Recruitment and (2) Railway Board's Report on the recruitment and training of Railway Officers in India.</p>	<p>This was discussed at two meetings—one on the 25th March at which no proposals were made but at which it was agreed that in framing the scheme certain points which arose at the discussion should be considered.</p>	<p>3. Period of contract.</p> <p>4. Price.</p> <p>5. Name and owner's name, of the forest from which the sleepers are to be supplied.</p> <p>6. Whether the supplier is owner or lessee of the forest or a dealer buying from owners or lessees.</p> <p>7. Whether the accepted tenders were the lowest received. If not the reasons for non-acceptance of the lowest tenders similar statements if and when further contracts for additional contract suppliers are executed.</p> <p>As regards long term contracts the Railway Board were informed that while the Railway Board fully recognise that these may often be advisable and are sometimes necessary they desire that their prior approval be obtained before a contract is actually placed for a period exceeding a year.</p> <p>This was done.</p>

At the 2nd meeting the proposals of the Councils were :—

- (1) that in Annexure B of the scheme [Transportation (Traffic) and Commercial Departments] no particular degree should be specified but that the Science subjects required for study and examination be stated.
- (2) that nominations by Provincial Committees should be on the lines of the Indian Civil Service and that 10 candidates per vacancy should be nominated.
- (3) that the question that local Services should be entirely abolished should be considered further and be brought up again for final disposal at the next meeting.
- (4) that for the Mechanical Engineering and Transportation (Power) Departments the Intermediate Examination in Science and Arts should be accepted.

The Secretary of State intimated that Company Railways took objection to the proposal that the Rates Tribunal should be empowered to investigate the question whether rates were unreasonable *per se*. After discussion the Central Advisory Council recommended that in view of the doubt whether the Rates Tribunal would really be useful if this item were excluded from its functions further consideration of the subject should be postponed pending a further reference to the Secretary of State.

The action taken by the Railway Board as explained in their memorandum was approved.

#### 6. Functions of the Rates Tribunal

7. Further tenders for the supply of wagons under bounty.

This was done.

Both these proposals have been carried out.

This question remains unsettled.

This has been given effect to.

The recommendation of the Central Advisory Council was accepted and the matter was referred to the Secretary of State who agreed to the original proposal which was given effect to from 1st April 1926.

The memorandum dealt with the placing of wagons during the year 1925-26 under the bounty permitted by the Steel Industry (Protection) Act, 1924 and the reasons which actuated the Board in apportioning the wagons among the firms as they had done.



[Pandit Madan Mohan Malaviya.]

ordinary human fellowship and of the ordinary duty of one gentleman towards another should be the rule of conduct throughout the world.

I do not wish to detain the House any longer. With reference to the fears that have been expressed that the liberty of criticism might be curtailed, I wish to say that this world of ours is now rather an old one. We have got the great religions of the world established in the affections of those who believe in them and those who practise them. It is not likely that there are to be any great changes by vast numbers of men abandoning one religion for another. Therefore we should be content to establish such a rule now as will make for peace, harmony and good will among men, such a rule as will eliminate causes of ill will and discord and discontent.

Sitting as we are together in this very House, Christians, Mussalmans, Parsis, Jews and Hindus,—do we not show consideration for the feelings of our fellow-men who do not belong to the same faith? Even so should we seek earnestly and prayerfully to establish a similar state of things in the country at large so that while each individual remains free to follow, the faith he has inherited or which has been given to him, each shall respect the feelings of others who do not share the same faith with him. And I submit, Sir, that if we keep that before our minds we shall be able to arrive at a conclusion in the Select Committee which will meet the object we all have in view, which will avoid the danger of too wide a generalisation which has been referred to by some of my friends and will enable this House to accept the measure in a form which will promote mutual respect and good will among the followers of different faiths, and give us an assurance that individuals shall not with impunity be permitted to attack the religious personages held in reverence by any one community, and allowed thereby to create a gulf or alienate feelings between the members of two communities. Sir, I strongly support the motion that the Bill be referred to Select Committee. I would with your leave also beg to add that Sir Hari Singh Gour's name be added to the Select Committee.

**Mr. President :** The question is :

“ That the name of Sir Hari Singh Gour be added to the Select Committee.”

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

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**Pandit Thakur Das Bhargava** (Ambala Division : Non-Muhamadan) : Sir, I have heard with rapt attention some of the speeches delivered on the floor of this House. I heard with great happiness the speech of Sayyid Murtaza Sahib. I heard the quotation he gave, for the first time, and I am very glad to know of the quotation which says that the Koran and all the books may be burnt, but the feelings of other persons

should not be wounded. I can only say that I have never heard a more blasphemous quotation so far from the lips of any other person. But all the same, Sir, I congratulate my Honourable friend for harbouring such noble feelings which are nobler even than the dogmas of particular religions. I have heard also the speeches of Mr. Acharya and Pandit Malaviya. With great deference to all the speakers who have preceded me I wish to point out, Sir, that coming to the sordid matters of this world, we find that if India were constituted of inhabitants like those who come into this Assembly there would be no trouble. These sentiments and all these good feelings may be very good in themselves ; they are very noble, very elevating ; all the same, Sir, you will excuse me if I point out that the man in the street has not got these noble things in his heart. If he had them there would be no necessity for this legislation. It is not that I am not at one with those who have spoken so far in condemning that sort of feeling which has given rise to the present impasse between Hindus and Muhammadans. All the same, Sir, I believe it is the prophets, the avatars and the great men who are very potent powers for good, whose lives should be criticised freely. If a Muhammadan says to me " You turn a Muhammadan, come and believe in my Koran ", I am bound to say to him in all humility " You are weaning me from my own religion. Allow me to see how your tenets stand certain tests, and how the Prophet conducted himself on particular occasions ". I think it is correct to say that it is the Sanatanists and Hindus of this land who are the victims of the proseletysing activities of different religions. I do not wish to submit before you that they are not right in converting those whom they want to, but at the same time I do want to emphatically state before you that in this panic we should not take away the liberty of speech and the liberty of criticism. When I read this Bill as it is, I feel, Sir, that the right of criticism and the right of liberty of speech have been taken away to such a large extent that I fear that this Bill will ultimately, if passed into law in its present state, only perpetuate religious intolerance which it seeks to avoid. My humble submission is that the dissension we find at present is not so much due to the innate nature of Hindus and Muhammadans for fighting with each other, but is in a great measure due to the attitude of Government in dealing with the trouble. Sir, I put some questions to Honourable Members opposite about their attitude and their conduct in respect of certain publications, such as the *Uniswin Saddi ka Maharishi* and *Sair Din Dunya*. Similar questions were put in the Punjab Council by various Members, and the reply of the Government was that since the agitation in respect of those publications was not such as justified them in launching prosecutions against the authors of those books, those books were neither proscribed nor their authors punished. May I submit, Sir, with all the emphasis at my command that the present situation would not have arisen if the Government had stiffened their attitude from the start towards the authors of those books. I maintain, Sir, that *Rangila Rasul*, which has been written as a reply to the book *Uniswin Saddi ka Maharishi*, would never have appeared in print if the Government had taken care to see that the first book, of which the second was the result, was proscribed and the author punished ? I know that Mr. Abdul Haye was one of the gentlemen who condemned the publication. We find that reasonable people condemned that publication and still the Government says there is no agitation against it. -Is it not, I submit, unfair to those who do not want to indulge in agitations of this nature that their religious

[Pandit Thakur Das Bhargava.]

views are not properly protected? This is not the only case. Similarly, I put another question in this House about an article that appeared in Hasan Nizami's paper *Muhadi*, and the Government replied that since that gentleman begged pardon he was not prosecuted. Now, Sir, I am not vindictive. I do not want any such prosecutions which would end in nothing and which would only embitter feelings between Hindus and Muhammadans further; but at the same time had the gentleman mended his ways? I would have thought that the action of the Government had been justified. When however we find in the administration of justice such considerations as political exigencies, such considerations as that a particular sect or a particular people have not raised a sufficient amount of agitation : matters which are considered by Government in according sanction or making complaints, are we not justified in holding that it is due to the partial attitude of Government that the present position has been brought about?

Now, Sir, with your permission, I will just dissect the causes of the present strife between Hindus and Muhammadans a bit further. Hindus and Muhammadans have been living in this land for ages past, for about a thousand years; and in fact, Sir, the Christian missionaries also came on the field long ago. Christ, Muhammad and Krishna have come into conflict in this land for a long time; but still why were such books not written before, and how is it that Hindus and Muhammadans did not break each other's heads with so much frequency as we see now? The real reason is not far to seek. To my mind, the real reason is not that Hindus and Muhammadans have suddenly become ultra-religious during the past three or four years. The real reason, the mentality which is the real cause of all this trouble goes a little deeper. I understand, Sir, that since the inauguration of these Reforms with the introduction of a separate electorate, these dissensions have appeared in their present form. And this is not the whole cause. Hindus and Mussalmans have not got enough political rights to enable them to think of nothing else. In fact, Sir, if the Government really wanted to tackle the question and to settle the Hindu-Mussalman dispute, I for one believe that it would not be difficult for Government so to arrange matters as to bring about a condition of amity and goodwill between the Hindus and Mussalmans. What is the use of passing this Bill? Will this Bill bring about the millenium? My own opinion is that it will never do anything of the kind. You can pass any number of Bills, but how are you going to change the mentality of Hindus and Muslims. That mentality will not be changed by the passage of this Bill. I would therefore submit that instead of remedying the disease, this Bill and others like it, if they are not administered in the right spirit, will only add to the virus of the disease and will prove more poisonous than the disease itself. If you really want a solution of the question, then it is not for me, a humble Member of this House, to suggest any remedies; and I will not assume to myself the ability to suggest better remedies than those which are known to the leaders of all parties and to the Government itself. I would only submit that this whole question should be gone into not in the rarified atmosphere of tolerance, but in that real atmosphere which is out for finding a solution. And, Sir, judging from the nature of the Bill and its wide range, I submit that full scope must be given for that criticism from all parts of the country which will

be of great help ultimately. I understand, Sir, that the Muhammadans of the Punjab have sent a telegram to several Members of this House, and I have just seen in the *Hindustan Times* that a meeting was held in Lahore and a resolution was passed that it may be urged in this House that the Bill should be circulated for public opinion. I will read now from the *Tribune* of the 4th September :

“ A meeting consisting of respectable Mussalmans representative of various Mussalman bodies of Lahore was convened in Muhammadan Hall on the 1st September 1927.

After long discussion the following resolution was unanimously passed :

‘ Resolved that in the opinion of this meeting of representatives of different Mussalman representative bodies in Lahore it is imperatively urgent to circulate Bill No. XXXIX of 1927 for penalising attacks on religion so as to elicit public opinion, as the matter is of great and vital importance.’ ”

Now, Sir, it has been said in this House by several speakers who have preceded me that this is a dilatory motion on the part of Mr. Belvi, that a further postponement of this measure will not conduce to the best interests of Hindus and Mussalmans. I, Sir, as you know, come from the Punjab, and I know how this agitation in regard to the *Rangila Rasul* case has been developed, hatched, burst upon the poor people of the Punjab. But all the same, with a full consciousness of the gravity of the situation, and with all the responsibility that attaches to a Member of this House, I feel and submit that however grave and however urgent the matter may be, considerations of public policy and fair criticism warrant the motion of Mr. Belvi. If conversions are to go on at this rate or in this manner, then the Prophets and Avatars, etc., are liable to be criticised. Considering everything, I do think that the opinion of the whole country must be taken before we proceed with a measure of this nature.

**Mr. Anwar-ul-Azim** (Chittagong Division : Muhammadan Rural) : I am glad, Sir, at this late stage of this very important debate my friend Mr. Belvi has found a supporter in our friend Pandit Bhargava. Personally speaking, I have always had an open mind on these matters, and coming as I do from a place where the number of Muhammadans is 80 per cent. of the total population, I think it will not be a bad idea if I speak a few words on the motion.

First of all it will be desirable to give a short reply to the points of the previous speaker. He seems to think that this measure is the outcome of the Moslem agitation in this country. He takes his seat in a group of which the Leader has spoken. We have heard the Honourable the President of the Congress. We have heard our friend, the Honourable Mr. Jinnah. And it seems to me, Sir, that most of us on all sides think that this Bill should be referred to a Select Committee. That is the opinion of the majority of us here in this House. In listening to the debate I have chalked out one or two points upon which I wish to speak. Mr. Belvi has said that this is a measure more or less to please the Mussalmans. But I can assure you, Sir, that it is nothing of the kind—the Government of India exist for all, and if they find that any section of the people are taking the law into their own hands, it is their duty to preserve law and order. The *Rangila Rasul* case is in point. The Arya Samajists have tried to defame the Prophet of Islam, and there have been conflicting decisions with regard to the interpretation of section 153A of the Indian Penal

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Code. Hence this measure. 'We have felt a keen interest and are aware of the disservice this tall talk has caused to this part of India and other places also. Unless and until this irresponsible talk is nipped in the bud, I am afraid I do not know where we shall be led to. The previous speaker has in an interesting way suggested that, until we have an atmosphere of give and take, none of these measures will have any effect. May I ask him what his friends in the Punjab have been doing in this matter? Platitudes always sound nice. You can put any sort of measure on the Statute-book, but until you have a change of heart you will not meet the purpose, he says. May I ask my friend if he and those of his ilk would continue to support the gutter press which is agitating the illiterate masses all over the country. Will that restore quiet and peace which we all so wish to have and desire? The high priests of the Sangathan and Suddhi must know that they are mostly responsible for this aggressive propaganda. They have defied the law and perhaps this piece of legislation is overdue. Sir, some speakers have also lamented the curtailment of the activities of the vernacular press of this country. If I have to say the truth, I think, Sir, that this trouble which has been going on in the country is due to the kite-flying policy of these vernacular papers. If the writers in this section of the press, and if the owners of these papers, had a little sense of proportion in them, I can assure you that these troubles would have been very much minimised. I do not know if the previous speaker referred directly to the Hijrat—I hope he did not. At no time of Indian history during the past 700 years did the idea of the Hijrat come into the mind of the Mussalmans, and I again assure my friend that the time will never come when the Mussalmans of this country will have to do that. Then, Sir, the previous speaker has also referred to the reforms. He seems to think that the reforms that were granted to the people of this country are partly responsible for these troubles. My humble opinion, Sir, is that they are not. The real fact is, the real pinch is, that those who happen to be in greater and larger numbers in this country cannot have their own way everywhere and in every thing. The Government have their own duties; they are not partisans of anybody in this country. They have the duty to rule peacefully and to see everybody prosper, and I am sure they will not hesitate to put this legislation on the anvil. With these few remarks, Sir, I support the motion of the House Member.

**Raja Ghazanfar Ali Khan** (North Punjab: Muhammadan) : Sir, I had no intention to take part in this debate to-day, but to reply to some of the remarks which have come from my Honourable friend from the Punjab. So I want neither to enter into communal discussion nor would I like to enter into a long debate on such controversial matters as have been pointed out by my Honourable friend. I think most of his remarks were absolutely irrelevant to the question which is now before us. To attribute these attacks on the Prophet and other saints of various religions to the separate electorate is the most illogical way of looking at things. However, Sir, there are two things which I would like to bring before the House. While I congratulate the Government on bringing forward this measure, and I strongly support the motion that this Bill may be referred to a Select Committee, I would point out two things. By doing so, I do not agree with every word of the clause as it is now before us. As everyone knows, it was due to the *Rangila Rasul* judgment, that is, the defect in the law which was pointed out by the Honourable Judge who tried that

case, and who thought that the law required to be amended. The two things which he pointed out clearly were, first, that an attack upon a Prophet may not necessarily mean an attack upon religion, and the second thing was that it was necessary to prove that one man by attacking the Prophet or founder of a religion provokes feelings of hatred and contempt between two different communities. The object now is that mere attack upon the founder of a religion whether it has provoked any feelings of enmity between the two classes of His Majesty's subjects or not should be made punishable. There are conflicting rulings upon this point. Some Judges think that even under section 153A, as it stands at present, such attacks can be punished. Some of the Judges think that such cases cannot be brought under this section. So the object of this Bill should be restricted to making it clear that any attack upon a religious founder or any other person held sacred by the followers of any religion should be liable to be punished, and that it should not be necessary to prove that by making this attack the author provoked enmity between different classes of His Majesty's subjects.

Another point which the Select Committee should consider is that the punishment which has been awarded in this section is in my opinion too light. I think two years' imprisonment for such scurrilous writings which have created such a critical situation in a country like India should be subjected to severer punishment than two years. I am not one of those people who would say that distinction should be made by law between prophets or heads of different religions, but I think that if the maximum punishment is higher, the trying Magistrate always considers that an attack upon a prophet of a religion or a founder is more serious and more punishment should be awarded in such cases than for criticizing an ordinary man or a man who is politically regarded as a leader.

There is only one more point to which I would refer, and it is this, that some people have suggested that the Government's attitude in this matter has been objectionable. Particularly my friend from the Punjab blamed the Government for being at least indirectly responsible for this communal trouble. I think it is my duty, Sir, to repudiate this charge in the strongest possible terms I can. So far as the Punjab Government is concerned, their attitude towards this *Rangila Rasul* agitation has been most fair and reasonable. They have handled with the greatest prudence this critical situation which otherwise might have grown much worse than what it is at present. If His Excellency the Governor of the Punjab had not received the Moslem deputation and had not assured them that the Government sympathised with them in their grief, that the man who attacked their Prophet was let off because there was a technical flaw in the law, I think the Muhammadans would have been much more disappointed and the consequences would have been much more serious.

With these words, Sir, I oppose the amendment that the Bill be circulated for eliciting public opinion and support the motion for its reference to a Select Committee.

**Mr. M. S. Aney :** (Berar Representative) : Sir, we have heard in this House up to this time many speeches in which the speakers have attempted to explain the principles or give their opinions on the principles underlying the substantive part of the new Bill under consideration, a Bill in which it is proposed to penalize intentional outrageous attacks upon religions or

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religious heads. But, Sir, this Bill consists of two parts. One part proposes to define the conditions and ingredients which will go to make attacks on religion an offence. There is another clause in this Bill which is in my opinion also equally important with this clause. If the provisions defining the offence are important, I submit that the provisions of the Bill which are intended to empower certain constituted authority to enforce that law are also equally important. In short the procedural portion of the Bill also deserves to be very seriously considered by this House. From

3 P.M.

the speeches hitherto delivered in this debate it must have been obvious to some of the Members of this House

at any rate, that among the various causes which have brought about the present tension between the great communities some blame is laid at the door of the Government also, inasmuch as they have not been sufficiently alert or vigilant or even impartial in enforcing the provisions of the existing laws at the proper time. That is one of the causes which, according to some of the speakers, has contributed to some extent at least to bring about this existing deplorable position. If that is a fact, you have to seriously consider whether by the new changes that you seek to introduce in the Criminal Procedure Code, the powers to enforce the law and set the judicial machinery in motion should be entirely in the hands of the Government or whether there should be some latitude given to the aggrieved individuals or communities in this matter. Sir, my learned friend Sir Hari Singh Gour has analysed in the spirit of a jurist characteristic of him the whole of the Indian Penal Code and tried to bring together the various scattered sections dealing with defamation. He has said that the new offence which it is intended to penalise is one more addition to the penal law on defamation. If that is so, let us see what the procedural law regarding the various sections dealing with the three classes of defamation is. If this clause is to be examined in the Select Committee in the light of the principles underlying the law of defamation, on the ground that the proposed offence is analogous to that law, then I think, Sir, that when dealing with the procedural clause of this Bill, the principle underlying the provisions of the Criminal Procedure Code dealing with the procedure in regard to the different classes of defamation may also be appropriately taken into consideration by the Select Committee for careful comparison. Now, my learned friend has already shown that defamation against the State is dealt with in section 124A, and defamation against a class under section 153A ; then there is defamation against individuals which is treated under sections 499, 500, and so on. Now, it is a matter of common knowledge to those who have to do something with the practice in the criminal courts and the provisions of the Criminal Procedure Code that the procedure lays down two different ways for dealing with these three classes of defamation. Defamation against the State and defamation against a class provided for in sections 124A and 153A are purely matters in which the initiative for launching a prosecution lies with the Government. But as regards defamation against individuals the initiative is left with the individual and not with the State. What I have to bring to the notice of this House particularly and which I want those who are members of the Select Committee to take particular note of is to see whether it will be advisable to leave the initiative entirely in the hands of Government, and whether by so leaving the initiative of prosecution in this matter purely



to the machinery which is provided for under clause 3 of this Bill, we shall be able to satisfactorily serve the object which the Honourable Member in-charge of the Bill has in view. The initiative for prosecution will under clause 3 of this Bill be in the hands of the Government. If the charge which some Members have made and to which I have already referred is true, that is to say, if the Government has not been very alert, vigilant and even impartial in launching prosecutions against persons who have often offended against section 153A, then it will be a matter for the members of the Select Committee to seriously consider whether initiative for prosecution under this new clause should be entirely left in the hands of the Local Government as provided for by clause 3. That is a point which I want them to seriously consider. If there is no foundation for this charge, then I at once admit that the provision made in the Bill is all right. But if there is any foundation for this charge, as I maintain that there is very strong foundation, there is no doubt then that we shall have to find out whether some latitude should not be also given in the procedural part of this Bill for private individuals to bring their grievance to the notice of Government and set the judicial machinery in motion without sanction or to make it obligatory on the Government in certain circumstances to launch the prosecution. It is necessary for the Committee to see whether some suitable amendment could not be made in clause 3 with a view to bring about this result. I am anxious to bring this point to the notice of the House particularly to safeguard the religious feelings of certain minorities. There are certain minor communities, small communities, who hold a particular religion. Their number is very small. I do not want to give any example, as it may wound the feelings of some Members. There are certain communities who hold certain religious views ; they have unbounded devotion for and implicit faith in their founder ; they have got some peculiar tenets. These communities, small in number, are very often mercilessly and even indiscriminately attacked by the so-called learned men belonging to other communities which are larger in numbers. They have many times protested against these scurrilous attacks, but these attacks very often go unheeded. Now, in considering such cases it has been one of the points sometimes urged by the authorities but which we have found it difficult to understand that the communities that have tried to bring their grievance to the notice of the Government official are neither sufficiently numerous nor vociferous. Such or similar grounds we have heard actually advanced in reply to some questions put on the floor of this House a few days ago. It has been stated that a sufficiently large community was not affected by certain scurrilous writings and therefore the Government did not think it worth while to launch any prosecution with a view to put a stop to scurrilous attacks made upon their religion. I can only mention one instance. There is a community called the Mahanubhava community in Maharashtra. They have got their religious founder. Certain attacks have been made against them and nobody thought it worth while to initiate a prosecution because presumably the community was very small. That community is scattered all over the country. In no place has the community such a dominant numerical existence as to force the attention of the Government by intensity of agitation to take note of the grievance which they have been labouring under on account of these attacks. These are cases where, on account of the very small number of the persons belonging to that sect and the comparative insignificance of their existence as compared to other large communities in those tracts, Government do not



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think it worth while to launch prosecutions as the authorities feel that such prosecutions are likely to enrage the feelings of another numerically large community living in those tracts. Under those circumstances Government, as a matter of policy, has avoided in the past and may continue to avoid in future to institute prosecutions. There are possibilities therefore that even in proper cases the Government who are immediately responsible only for peace and order and maintenance of goodwill among the various communities in a particular tract, may not be inclined to enforce the provisions of the law as rigorously and promptly as they should ; and thus in all probability justice will not be done to them. Such cases are possible. If this contingency is taken into consideration, the reasonableness of the position which I am placing before the House may to some extent be realised by those who are now entrusted by us with the duty of shaping this Bill in the Select Committee. That was the specific suggestion which I wanted to make for the consideration of the Select Committee. With these remarks, Sir, I support the motion that the Bill may be sent to the Select Committee.

(Several Honourable Members moved that the question be put.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I do not want to enter into controversy with the speech which was delivered by my Honourable friend Mr. Thakurdas in this House. Really, our intention to bring this Bill on the Statute-book is not to accentuate the feelings which are already existing in the communities. But I shall only deal with the point at issue and it is this, whether this Bill should be referred to a Select Committee or whether it should be circulated for eliciting public opinion. Now, Sir, we find that since the judgment in the *Rangila Rasul* case was pronounced by a single Judge of the Lahore High Court, there has been a very strong feeling among the Mussalmans throughout the whole country that the defect in the law in this respect should be remedied as soon as possible. The House probably knows, that meetings were held nearly in all the districts, in which resolutions were unanimously passed that the defect in the law in this respect should be removed at once and that in the meanwhile, if it takes some time before this law is amended, a Regulation should be enacted to stop this vilification of the founders of religions. In the face of this unanimous desire on the part of the Mussalmans of India that action should be taken immediately, I am sorry I cannot support the amendment that the Bill should be referred for eliciting opinion. As has already been remarked, public opinion is already known and we know what the desire, the unanimous desire, of the people of the country, both Hindus and Muhammadans, is. We are unanimous in holding that unwarranted attacks on the honour and persons of Holy Prophets and founders of recognised religions levelled against them by unscrupulous fanatics should be stopped, and therefore I am at one in agreeing with the principle of this Bill. But at the same time, Sir, I am also anxious that in our zeal in removing one evil we may not create another evil of the same serious nature. That is to say, I consider that the provisions of the Bill, as it is framed now, are too wide and too indefinite. I consider that the Bill, as it is prepared now, will not give sufficient protection to the seekers after truth and honest preachers of religions. The word "intentional" as used

in the Bill, is not, I think, sufficient to protect such *bona fide* criticism and it leaves the accused entirely at the mercy of the court. We know, Sir, the history of this Bill. This Bill is really intended to protect the honour and the persons of the founders of religions against vilification, but the provisions of the Bill as framed at present still leave the point open whether the attacks on a person are really included in outraging the religious feelings of a community or not. I submit, therefore, that when this Bill goes to the Select Committee, it should be reframed in this way that its provisions should be confined only to the object for which it is intended to be enacted, that is to say, its provisions should be limited only to attacks on the holy prophets and founders of great and recognised religions.

Now, the other point which I beg to submit is that which has been raised by my Honourable friend Mr. Aney. I am sorry I am unable to agree with him on this point. I think it will be very injurious, improper and unwise if initiation of cases under this law is left in the hands of the public or if power is given to the individuals to lodge prosecutions under this clause, because under the present unfortunate conditions of this country the result would be that the courts would be overloaded with frivolous cases of this sort. Therefore, I think that it is quite just and proper that the initiation in such cases should be left with the Government.

I have just been reminded of a meeting, recently held at Lahore, in which it was resolved that this Bill should be circulated for obtaining public opinion. My answer to this is that in the face of hundreds of meetings which were held, not only in Lahore, but throughout the whole country, I do not think that a single meeting, which was held at Lahore the other day, carries a greater weight than the unanimous voice of the Mussalmans of the whole country. With these words, Sir, I support the motion that the Bill be referred to the Select Committee.

**An Honourable Member :** I move that the question be now put.

**Mr. K. C. Roy** (Bengal : Nominated Non-Official) : Sir, this Bill enacts a provision which is of great importance to the newspaper press in India, and so far the House has only heard the lawyer's point of view. I hope, Sir, that you will not accept the motion that the question be now put.

**Mr. President :** If the Honourable Member wishes to speak, he should rise. If the Honourable Member desires to continue the debate, some Member should rise, otherwise there is no remedy.

**Mr. K. C. Roy :** Sir, I want to put it on record.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I am ashamed that it has been necessary for Government to bring up this measure before this House. I am ashamed and pained at the circumstances that have made such a measure necessary to be brought forward for our consideration. The criminal law of a country is the index of its civilization and of its social conditions, and this particular section which is going to be added to the Statute-book will stare us in the face and proclaim to the world the unhappy relations that subsist between the different communities in our land. Sir, only last year about this time we amended section 99A of the Code of Criminal Procedure in order to bring in communal matters within the purview of that section. Some years back section 153A had to be added to the penal laws of the

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country, which could do without such a provision for very many years in the past. All this goes to show that our progress in this matter has been in the backward direction. Last year, speaking on the amending Bill of section 99A of the Code of Criminal Procedure, I made a complaint that the Government, while very anxious to add to the criminal offences of the land, did not make proper use of the existing provisions of the law. And, if I rise to speak on the present motion to-day, it is to repeat that complaint once again. As my Honourable friend Mr. Bhargava has pointed out from his special knowledge of the province from which he comes, that the situation that has necessitated the present measure could have been prevented if Government had taken early action in certain directions. I have no desire to expatiate on that point. But, coming as I do from a part of the country where the head of the administration some years ago made a confession of his political bigamy and described one of the communities as his favourite wife, I cannot give a silent vote altogether on this motion.

Sir, religious neutrality, even as a platitude, is of not very long origin. After the Mutiny the cry was raised by British publicists and by British administrators that the Muhammadan religion must be suppressed and I find that a Governor General, Lord Ellenborough, writing to the authorities in England, remarked as follows :

“ I cannot close my eyes to the belief that the race of Muhammadans is fundamentally hostile to us. Therefore, our true policy is to conciliate the Hindus.”  
(Laughter.)

But things have changed a good deal since. Well, as my friends are getting a little impatient over it, I will come to the present year. I will refer to the evidence which the District Magistrate of a Bengal district gave only in June last in connection with a communal case. Sir, I am told this District Magistrate has since been thought fit for promotion ; and therefore I take it that the views which he expressed had the substantial support of Government, at least his views did not go altogether counter to the Government policy. Sir, this is what Mr. Blandy, who is the District Magistrate of Barisal, giving his evidence in a communal case in that district said :

“ So far as Eastern Bengal was concerned, the Muhammadans preponderated here and, that being so, their feelings were to be respected far more than the Hindu feelings.”

That does not look like religious tolerance ! Sir, communal preference goes ill together with religious neutrality. My Honourable friend Mr. Aney quite pertinently drew the attention of the House to the procedure section in this Bill, because no prosecution under the new section can be undertaken except by the sanction or at the instance of the Local Government.

And if the Local Governments are not above these communal preferences, how are we to think that this new law which we are going to add to the Statute-book will not prove an engine of oppression, will not prove an engine in the hands of the executive further to alienate the communities ? Sir, my Honourable friend Mr. Yakub said that this provision was necessary in order to prevent frivolous and vexatious proceedings. We, who come from Bengal, know that before the regrettable riots of Calcutta and Eastern Bengal broke out last year, there were scurrilous writings in the newspapers and leaflets and the Government for a long time took no notice of them, with the result that there

was a huge conflagration in the country. Attention was pointedly directed to the scurrilous attacks that were made either by one community or another, and yet the Government took no action, no effective action, with what result we all know. Sir, before I sit down, I want to make it clear that, although I have my suspicions about the way in which this new law may be administered with the help of the Local Government, I am not opposed to the present motion.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I must apologise to my Honourable friends for interposing at a very late stage of the debate, when I feel that many of them have become impatient and want the question to be put. My justification for intervening at this late stage is that I want to point out to my Honourable friends one or two aspects of this measure upon which some Members have spoken and about which I want the Government to form definite notions before they call a meeting of the Select Committee. I congratulate the Government, Sir, on the promptitude with which they have responded to the call of the country and brought forward this measure. They have come not one minute too soon. But while I congratulate the Government I cannot congratulate my countrymen that they should have so adjusted their religious affairs as to make this Bill necessary. In my opinion, Sir, such Bills are an indication of the inability of Indians to adjust their own affairs and let the operative processes of nation-building go on in their midst and I hold that in the same measure that these Bills are rendered necessary, Indians have failed to consolidate themselves into one nation. I remember, Sir, the time as a student when section 153-A was enacted. I wish to call the attention of my Honourable friends to a very celebrated judgment of a Judge, always eminent in the annals of the law. Mr. Justice Ranade, commenting on the necessity of such sections as 153-A, laid down a wholesome principle which I want the Government to keep clearly in their minds, notwithstanding the voices raised in some parts of the House that they ought to depart from the plain principle mentioned in the section. That principle is intelligible to us all, whether Hindus, Muhammadans, Sikhs or Christians, the principle which the Honourable the Home Member has accepted in section 295-A and on which I congratulate him, the plain principle, I say, namely, that the gist of the offence is an insult to the religion or religious feelings of the citizen. It is not the gist of the offence that a *prophet* is attacked or that an *avatar* is assailed or that a *founder* is criticized or a *follower* is ridiculed. I congratulate the Government that they have in this section recognised the rational principle that when religious fanaticism becomes a nuisance to the land and causes a conflagration of irritation and hostility, and when the peace, harmony and good will of the community are disturbed in the name of religion an offence is committed against the *State*. It is not an offence against *religion*. Somebody spoke here of blasphemy ; but that is entirely a different offence. In England it is an offence *per se* against religion. The State, as the upholder of the Church, protects people from irreligion. I hope the Honourable the Home Member in enacting this Bill has not such an ambitious ideal in view, that he is going to cure the religious feelings of Indians. I hope he has a limited ambition and wants to enact a section which will not allow religion or religious feelings to become a nuisance to the peace and harmony of the community, disturbing its growth and progress. If the Honourable the Home Member takes such a limited view of the section, I shall support

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him with all the weight I can command. But if he is going to go further and accede to the suggestion of some Members here who say : " Oh, we ought to have *prophets* mentioned in this section, the *founders* of religion ought to be specifically referred to, *Gurus* and *avatars* protected *eo nomine* " ; if this cry is acceded to, I do not know, Sir, where we will be able to draw the line. Is an offence against the peace and good will of the community less culpable because it is against a *follower* and not against the *founder* ? Is an offence more culpable because it is against a *prophet* ? Are we going to accept a graduated scale of criminality and administer justice according to the personality of the victim of the attack, or the measure of the disturbance of harmony and good will ? Are we going to accept the plain principle which this section speaks of, namely, no matter on whom the attack is levelled, if the attack causes religious disturbance of feeling which is a menace to the peace and goodwill of the community, then the disturber is punished. This is an intelligent principle which I can follow and which I hope will alone be protected by this section. If this is the principle accepted by the Government, then we have some sound and rational principle to go upon. But we embark upon the principle which my Honourable friend Raja Ghazanfar Ali Khan suggested, I do not know where we will be. He suggests that the punishment ought to be increased because the attack on the founder is more culpable than on others, may I know why ? If it causes the same trouble in the country, the same disturbance to peace and order as an attack upon the humble follower of a religion or his tenets or religious beliefs, why is it more or less culpable ? I hope, Sir, that the Honourable the Home Member will not accede to these siren voices although they may appear to be sounded through the trumpet of religion ; I hope he will adhere to the rational principle which I can understand, namely, that no one in the name of religion has a right to disturb the peace and goodwill of the community because upon their preservation nation-building processes entirely depend. But if the Honourable the Home Member is going to depart from this principle and follow another, which I hope he will not, then I submit, Sir, that the Select Committee will be lost in the quagmire and miasma of religious disquisition and controversy and I do not know how and when we shall emerge from them. In other words, I regard this as an offence against *State*, and it ought to be classed under the Chapter of the Penal Code where other offences against the State are mentioned. I regard it not as an offence against religion. The British Government are not here to favour one religion against another. It is only when a religion comes within the region of public disturbance that the Government can step in. It is only when a religion ceases to be pure profession of faith of a tolerant character and its open profession or preaching causes trouble, *e.g.*, when it affects the peace, harmony, and goodwill of the community, that the interference of the Government is justified. Judged in this light, I submit that this offence should be regarded as offence against the State, like sections 153A and 124A. This is the proper view of the section, though it does not really matter where the section is actually inserted. I want to point out to the Honourable the Home Member that he should regard his duties purely from the point of view of a secular government trying to protect the peace and harmony of the citizens and not embark on the religious principle that the deities and founders, etc., of the community, should be protected against the attacks of unbelief. Then, Sir, it was suggested that the punishment of two years

is not severe enough. I entirely differ from that view. (Hear, hear.) I regard this religious fanaticism as a monomania and those who indulge in that mania ought to be treated as lunatics are treated, with indulgence of course, but segregated from the rest of the community. If I were on the Government Benches, I would try and establish an asylum for these estimable gentlemen (Hear hear, and Laughter) where they can be taken. They would be segregated from all social and religious provocation and they would be allowed to stop there for a time isolated from the rest of the community so that their mania may be cured, even as lunacy is cured in isolation from provocation. I do not class these gentlemen with ordinary criminals known to the Indian Penal Code. They are a special class of criminals manufactured by the present circumstances of the country. In that way, Sir, as a counterblast I would even go the length of reducing the two years of imprisonment on the ground that it is perhaps too excessive. I want the Honourable the Home Member to regard these manias, as I do, from the point of view of an Indian, and treat them as a temporary phenomenon. I shall be very sorry, Sir, if this measure has to be put as a permanent one on our Statute-book. As the Honourable the Home Member rightly pointed out, it is an expedient measure, a temporary remedy, devised for a temporary aberration. Therefore it ought to be allowed to go through and on that ground, I do not agree with the view of my Honourable friend Mr. Belvi that the Bill ought to be circulated for the purpose of eliciting public opinion. In my view, the sentence of two years is adequate enough. It may even be made simple imprisonment. Again I warn the Government not to yield to the suggestion that offences and their punishment ought to be graduated according to the personality of the victim of the attack, *e.g.*, if the attack is against the founder—10 years, prophet—7 years, Guru—5 years, Avatar—9 years, follower—4 years, tenets—3 years, and a humble individual like myself—6 months ! We do not want to yield to this demand. Let Government adhere to the simple principle which they have accepted in the section.

For the rest I have many more points to suggest, but I shall wait till the Bill comes before the Select Committee. But I shall say one thing, namely, that I hope, Sir, the Government will not stop with this measure. This is only a preventive measure. May I suggest, as a man who understands a little of these questions, that the true cure will not come unless Government courageously lay their hands on the real cause of this disease. I do hope, Sir, some day when this Government is more courageous because it has behind it the voice of the community and there are more Indians on their Benches giving them less timidity and more courage,—some day when this Government is more courageous, they will I hope come before this House and carry the same reforming processes underneath the surface of society and not merely confine them to the surface. The Honourable the Home Member will then delve underneath Indian society to find out what is the true cause of this trouble and lay the axe courageously at the root of it. May I submit that processions and religious conversions are the prime causes of the trouble and what we want is some law which the Government can courageously adopt to meet the situation. I know I am speaking of a highly controversial matter, which will cause a difference of opinion in certain quarters, but if I had the government in my hand I would courageously restrict these conversions to circumstances where a purely psychological change of faith is permitted ; I would remove from these conversions all causes which introduce the elements of fraud, decep-

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tion, cajolery, chicanery, elements which make even a contract under the Indian Contract Act invalid. The House must be aware that under the Indian Contract Act a contract is invalid—merely a contract to buy and sell cotton, not change religion which is a far more important thing ; but even a contract for goods is rendered invalid according to the law of the land if certain elements enter into it, such as fraud, duress, coercion, mistake or misrepresentation. How much greater is the necessity for such safeguards when the transaction affects a change of religion. Therefore I hold the view that some day in the near future either the Government themselves should bring in, or allow a non-official Member to bring in, a measure which will lay the axe at the root of these conversions by means of some provision of the law which will make sure that each conversion is really a psychological change of faith which a true conversion should be and not a conversion brought about by or in an atmosphere of fraud, deception, promises, threats or even political considerations—if I may add the last. Until that is done I venture to believe that Bills like this are all temporary remedies. They may stop the disease for a time and its manifestations on the surface ; they will not cure the disease at the root from which it emanates.

Mr. Hla Tun Pru (Burma : Non-European) : Sir, I have followed the speeches of the leaders of various communities with a great deal of interest and my own excuse for participating in this debate is that I feel all penal legislation is a necessary evil. I feel, Sir, that an extraordinary situation in India has brought forth this legislation. In Burma there is no communal tension, and submit with great respect to the leaders of the Hindu and Muhammadan communities that it is because they have exhausted all their resources of reconciliation that they have now to face this penal legislation.

Sir, in so far as it is a measure providing for religious tolerance it is very good. On the other hand, it may in actual practice work against the equally important principle of freedom of public discussion. In these days of advancing civilisation we value nothing more than the freedom of public discussion, whether it affects the measures of the State or any other thing. There may be a necessity for this legislation in certain parts of India, but I have spoken to-day only because I feel that the operation of this Bill may not be extended to those parts of India where it is not really necessary. It is only exceptional communal circumstances which must be met by this kind of legislation. We in Burma have always tolerated other religions. We have always acted on the principle "Suffer fools gladly." So, Sir, this legislation, so far as Burma is concerned, is unnecessary. I would therefore respectfully submit to the members of the Select Committee that when they come to consider the Bill they should exempt Burma from its operation.

Well, Sir, to come to a further criticism of this Bill. The Honourable Sir Hari Singh Gour has pointed out that the expression "intentionally insults" may be misused. I had something to do with the operation of the law of sedition in my country. I found, Sir, that the Judges always said that intention was to be gathered from the effect of the



words. Therefore, as the words stand at present, it will be only a matter for each Judge to say "Yes, so far as I am concerned, these words constitute an attempt to outrage religious feeling." His judgment will vary really with the measure of his thought. Therefore, there must be some standard. We can well trust the Select Committee, which comprises eminent lawyers from both sides of the House, to frame a definition which will cover only a grossly unfair, outrageous and wanton attack upon religion or religious powers. Now, Sir, we are in certain difficulties with regard to what a religion is. So far as Muhammadanism, Buddhism, Christianity, Jainism, Zoroastrianism are concerned, everybody understands or thinks he understands what religion is. On the other hand, Sir, religion should be so construed as to include also atheism, rationalism and even irreligion. Why, Sir, should a man holding rationalist beliefs be unprotected under this particular section? So, Sir, with these remarks I thank the House for patiently listening to me.

**Mr. Ram Narayan Singh** (Chota Nagpur Division : Non-Muhammadan) : Sir, I also rise to join in the chorus of congratulations for the Honourable the Home Member and his Government, but my congratulations will be confined greatly to the Honourable the Home Member and not so much to the Government ; because it appears to me that the steps which Government have taken so far are timid and negligible. They are going now to legislate against writings against religions and to respect religious sentiments and feelings of the people. But so far as the religious sentiments of my country-men are concerned, they are very tender and it is very difficult to protect that tenderness. Sir, I have known that some time ago when a monkey was killed by some body, the religious feelings of the Hindu community were wounded. I do not know how the Government will protect that tenderness of our Hindu brethren. I may quote another instance. Some times, when there was a discussion about the Deva-Nagari script and the Urdu script, I found my Muhammadan friends being offended as though their religious feelings were wounded by somebody talking against the Urdu script. The very sound of a conch is likely to wound the tender feelings of our Muhammadan friends. It is very difficult for the Government to protect them in cases like these. We heard only a few weeks ago that a *tajia* in a procession in the United Provinces was not respected by the Hindus and the religious sentiments of Muhammadans were wounded. Not only that ; in these days, whenever two people start fighting, of whom one is a Hindu and another a Muhammadan, if the Muhammadan is beaten, the religious feelings of all the Muhammadans are wounded, and when the Hindu is beaten, the religious feelings of all the Hindus are wounded. How are we to protect such religious tenderness? Many more such instances may be quoted when religious feelings are said to have been wounded in several other ways, and this legislation cannot help people in such cases. I therefore say, Sir, that the Government is still timid and has not the courage to legislate the right things.

**Mr. President** : What is the right thing ?

**Mr. Ram Narayan Singh** : I am going to say that, Sir. We hear of murders here and there ; a murder committed in one place on one day and a murder somewhere else the next day. There is no legislation for that yet. But in this *Rangila Rasul* case while I see that Rajpal is still living, we hear of head breaking, we hear of riots, we hear of all sorts



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of trouble here and there because of the question of music in processions before mosques and nothing like this has yet happened as the direct result of this case. There is the decision of the Privy Council that every citizen of the country has a right to go in procession on the King's highway. Where is the legislation, where is the courage of the Government in regard to bringing legislation to enforce that right? I may tell you, Sir, that in my own *ilaga*, there is no trouble between Hindus and Muhammadans on account of all these things. But there is trouble between Hindus and Muhammadans always over the question of cow slaughter. Where is the legislation for stopping this kind of trouble? But, Sir, I may tell you that all the trouble in this country between Hindus and Muhammadans is going on not for religious feelings but for the loaves and fishes which are at the disposal of the British Government and may be bestowed by them on either Hindus or Muhammadans. I may tell you, Sir, frankly that religious quarrels are created only in order to achieve leadership, so that certain people may be elected to the Council or the District Board or Municipality. Then, Sir, if the Government have the courage, the remedy lies in their coming forward to legislate only for civic rights, not in talking about religion. But they have not the courage, nor the strength, nor the sense to take up that. I therefore oppose the motion, Sir.

**Mr. T. A. K. Shervani** (Cities of the United Provinces : Muhammadan Urban) : At this late hour I do not want to sound a discordant note. Moreover, as my community has demanded legislation to protect the founder of the religion from scurrilous attacks, out of respect for their feelings, I do not oppose the Bill. But personally I do really feel that this Bill, instead of serving the purpose for which it is going to be enacted, will do harm to the cause and will be more capable of mischief than of protecting religions and religious founders. Sir, the immediate need of the Bill is said to be that some scurrilous attacks were made on the Prophet of Islam. I, as a Mussalman, do feel utter humiliation in seeking the protection of my Holy Prophet through a Legislature which cannot protect itself. Turn your attention now, Sir, to the potentialities of this Bill. Here there is a quarrel between Hindus and Muhammadans, but have the Muhammadans thought about the differences between Sunnis and Shiahis and Ahmadis? What is going to be the result of this Bill if it is enacted? A greater discord between communities themselves. Sir, as I have said, it is out of respect for the feelings of my community that I do not oppose this Bill; but I do ask, through you, Sir, the Members of the Select Committee to limit the scope of the Bill as far as possible. We have seen to-day, while only discussing the principle, we have come down from the Prophets to Shivaji and consequently to Aurangzeb, and I do not see any reason why to-morrow we should not come down to the two Honourable Members from the Punjab. (Laughter.) Sir, I do acknowledge that if religions ever required protection they do require protection in this 20th century. I do feel that, but it is not protection from the scurrilous attacks of certain lunatics that we require protection, but protection we require from the growing scepticism arising out of the demons of civilization and rationalism; and that protection no legislation can provide. I do not oppose the Bill, but I would request the Select Committee to limit the scope of the Bill as far as they possibly can.

**The Honourable Mr. J. Crerar :** Sir, the debate has already covered a great deal of ground and in view of what I think is the general sense of the House it would really be unnecessary for me to prolong it. In moving the motion I ventured to express the hope that the principle and the intention of the Bill would meet with very general acceptance. I think that hope has been more than fulfilled, because the principle and intention of the Bill have, I think, been almost unanimously accepted. I agree entirely with the Honourable and learned gentleman from Bombay, Mr. Jayakar, that in defining the principle and the intention of the Bill, we must beware of extending our ambitions beyond the limits which a secular Government can reasonably be called upon to attempt or can reasonably hope to effect. As I conceive them, the principle and the intention of the Bill are to make an intentional insult to religion the substantive matter of an offence, with the object of securing the rights and enforcing the obligations of good citizenship and of protecting society from the consequences which might otherwise ensue. That position may perhaps not go so far as some of my Honourable friends would desire, but it is a position which, so far as it goes, will command universal acceptance in this House. The House and the Government substantially agree that this measure should go to a Select Committee, and the reasons have been so ably and so forcibly urged both by Honourable gentlemen on this side and by Honourable gentleman on that side of the House that it is unnecessary for me to pursue that argument further. In conclusion, therefore, I would only suggest to the Honourable and learned gentleman opposite that after having heard the arguments on both sides on his amendment, he will now withdraw it and support the motion which I originally moved. (Applause.)

**Mr. President :** The original question was :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Pandit Madan Mohan Malaviya, Nawab Sir Zulfiqar Ali Khan, Sir Hari Singh Gour and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine.”

Since which the following amendment has been moved :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

The question I have to put is that that amendment be made.

The motion was negatived.

**Mr. President :** The question I have now to put is :

“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of Mr. S. Srinivasa Iyengar, Mr. Nirmal Chunder Chunder, Maulvi Muhammad Shafee, Mr. A. Rangaswami Iyengar, Mr. M. A. Jinnah, Mr. Ismail Khan, Mr. Abdul Haye, Mr. Arthur Moore, Mr. A. H. Ghuznavi, Mr. N. C. Kelkar, Mr. M. R. Jayakar, Mr. J. Coatman, Mr. K. C. Roy, Sir Abdul Qaiyum, Sir Denys Bray, Pandit Madan Mohan Malaviya, Nawab Sir Zulfiqar Ali Khan, Sir Hari Singh Gour and the Mover, with instructions to report within seven days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be nine.”

The motion was adopted.

## APPOINTMENT OF A COMMITTEE TO CONSIDER THE QUESTION OF RESIDENCE AND ACCOMMODATION FOR MEMBERS OF THE INDIAN LEGISLATURE.

**The Honourable Sir Bhupendra Nath Mitra** (Member for Industries and Labour) : Sir, I move :

“ That the Honourable the President do appoint six Members of this House to serve on a Committee to consider the question of residence and accommodation for Members of the Indian Legislature, including the use and disposal of the Western Hostel, New Delhi, and that the Council of State be asked to nominate Members to serve on the Committee.”

Sir, the House is aware that there is a certain amount of grievance among Members of this House who occupy the accommodation provided for them by Government in New Delhi in regard to that accommodation, to the catering arrangements for the Western Hostel and various other matters. These matters have been receiving the consideration of Government from time to time, and last year we were inclined to think that perhaps an effective remedy would be to encourage a hotel company to establish a hotel in New Delhi. Now if that arrangement is feasible, it would not only help Members of the Legislature but it would also help the officers of Government and would thereby be of advantage to Government in reducing the extra accommodation which it may ultimately be compelled to build for its officers in New Delhi. Tenders were accordingly called for by advertisement asking hotel companies whether they were willing to establish a hotel in New Delhi, certain concessions in regard to land being offered. Unfortunately that did not evoke any response. Private conversations elicited the information that so long as Government wanted practically to run a hotel in the shape of the Western Hostel, it was unlikely that any hotel company would come forward to establish a hotel in New Delhi. On the other hand, if we were to hand over the Western Hostel to a hotel company, that might cause inconvenience to some of the Members of the Legislature who now utilise that accommodation. After consideration of all the difficulties, Government have accordingly decided to consult the Legislature in regard to this troublesome matter. They have no doubt that this Committee, whose composition I am now proposing, will, in making their recommendations, take into consideration every aspect of the question including the interests of the tax-payer. Sir, I have nothing more to add, and I move my motion.

**Mr. President** : Before this motion is discussed, I should like to know from the Honourable Member firstly, as to how many Members he wants the Council of State to nominate, and secondly, what would be the functions of the proposed Committee : would it be purely an advisory Committee, a Committee to make recommendations only, or would it have power to finally settle all questions regarding residence and accommodation for Honourable Members. My own idea is that it would be much better if Honourable Members are left to settle for themselves this question of their accommodation in view of the great dis-satisfaction that prevails at present.

**The Honourable Sir Bhupendra Nath Mitra** : Sir, in regard to the first question, that is the number of Members from the Council of State, we do not propose to ask them to nominate more than six. But I should prefer to leave it at that at this stage. A similar motion will be moved in the Council of State as soon as this motion is adopted by this House.

But it is not the intention of Government that the Council of State will be asked to nominate more than six Members....

**Mr. President :** Is it the intention of Government to ask the Council of State to nominate equal number, regardless of its size ?

**The Honourable Sir Bhupendra Nath Mitra :** I said "not more than six" ; we shall probably reduce it to four. (Hear, hear). (*An Honourable Member :* "Still more if possible.")

As regards the other point you raised, Sir, this Committee will simply make recommendations. It will not be the function of this Committee to settle particular questions. For example, I may mention that one of the questions which this Committee will have to consider is the use and disposal of the Western Hostel. They cannot possibly dispose of the Western Hostel themselves ; that is a matter which must be left to the Government. This Committee will simply make recommendations and it will thereafter be left to Government to take action thereon. I shall give another example. Let us suppose that this Committee say : We want 30 more quarters to be built. Surely they are not going to build those quarters. Therefore it follows that they will simply make recommendations and thereafter Government will take such action as they deem fit on those recommendations.

**Mr. T. C. Goswami** (Calcutta Suburbs : Non-Muhammadan Urban) : Would any Honourable Member care to serve on a Committee of that description ?

**The Honourable Sir Bhupendra Nath Mitra :** Surely they would.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I should like to know from the Honourable Member whether it is the intention of Government that this Committee that he proposes should serve as a House Committee to look after the convenience of Members of this House or is it a temporary Committee only for this purpose.

**The Honourable Sir Bhupendra Nath Mitra :** This Committee is a temporary Committee. If thereafter it is found necessary that there should be a permanent House Committee, that will certainly come within the purview of the recommendations of this particular Committee and Government will be at liberty to take action on that recommendation.

**Mr. President :** So many complaints have come to me from Honourable Members regarding accommodation that I thought the time had arrived for the Government to leave the question of allotting accommodation to Honourable Members themselves through a Committee appointed by them. I should not have made this suggestion had it not been for the fact that there has been a strong feeling on the subject among Members and numerous complaints have reached me from time to time.

**The Honourable Sir Bhupendra Nath Mitra :** Sir, I was not here then, but I believe there used to be a House Committee of the type referred to by you. But my information is that that Committee did not function properly and it came to a natural death. (*An Honourable Member :* "That was in the first Assembly.") I do not know whether it was the previous Assembly, or whether the allegation made by my

[Sir Bhupendra Nath Mitra.]

friend over there is correct, *viz.*, that its members were less active than the Members composing this Assembly. I was not here then. But in any case, as I have already said in reply to a question asked by my Honourable friend Mr. Chetty, if this temporary Committee, the appointment of which is now before the House, includes in its recommendations that a permanent House Committee should be appointed to deal with the question of allotment of accommodation provided and ancillary questions, Government would be quite prepared to consider that recommendation in due course.

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : It seems to me, Sir, that the Honourable Member is mixing up two separate and distinct questions in this motion. There is first.....

**Mr. President** : The Honourable Member is entitled to separate the questions by an amendment if he wishes to do so.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, the Honourable the Mover of this motion has referred to a previous House Committee. (Laughter). Well, Sir, I know something about it. As a matter of fact, it was at my initiative (Hear, hear) that the first House Committee was selected in the first Session of the Legislative Assembly, and I think Honourable Members of this House would like to know from me the history of that House Committee which never functioned. When we suffered inconvenience from the accommodation in the Western Hostel and elsewhere, we met and decided to force the hands of the Government to appoint a House Committee, to give that Committee power to select houses and allot them to Members at their own discretion. The proposal was resisted by Government, but we carried it and a Committee was duly nominated and the rest of the story of that Committee was that that Committee was never called into existence ; it remained a paper Committee and in spite of the protest made by the Members on this side of the House that the Government were not taking that Committee into confidence nor called upon it to function, the Government remained obdurate and that Committee died a natural death. This is the history of the first Committee.

**Mr. President** : How many non-officials were there ?

**Sir Hari Singh Gour** : Now, Sir, I am very glad to find that there has been a resurrection of that Committee after 6 or 7 years. But you, Sir, have anticipated, because it is not merely sufficient if the Committee is appointed ; we must know definitely as to what are the powers and functions of that Committee and how far that Committee would have the initiative of deciding who should have what accommodation and what arrangements should be made. I find, Sir, from a small book I have in my hand that we have in the British House of Commons a Kitchen and Refreshment Committee (Hear, hear, and Applause) and that Committee is in sole charge of all the arrangements. (*An Honourable Member* : " Accommodation ? "). They have no accommodation there. They are in charge of all the arrangements of the Kitchen and Refreshment Rooms. Now, so far as the British House of Commons is concerned, they do not provide accommodation for their members because

they live in London and consequently there is ample accommodation available to Honourable Members. We are, on the other hand, to visit the deserted city of Delhi once a year and consequently there is necessity for accommodation. I therefore suggest, Sir, that the Committee may be nominated, but on this condition that it will draw up rules in consultation with the Honourable Member and that he would accede to the rules, and if there is any difference of opinion between the Committee and the Honourable Member, you, Sir, I expect, will act as the umpire. It is only in this way that that Committee is likely to function. I submit it is a reasonable request and the Honourable Member who is the author of this motion should have no hesitation in accepting this suggestion. There is another suggestion that I have got to make. The Honourable Member says that the number of members of the Council of State will not be more than six, and then he suggested in answer to your question that they would be four. Considering that we are 143 and they are only 60 I suggest that the representation of that House on the House Committee should be *pro rata*, proportionately to their number (*Sir Victor Sassoon* : "2½.") It does not matter how many there are, provided we have not got too many of them. The third point that I wish to suggest is this.

**Mr. President** : It is no use suggesting these points. Has the Honourable Member any definite amendment to move ?

**Sir Hari Singh Gour** : Yes, I have a definite amendment to move, and it is this.

**Mr. President** : Will the Honourable Member pass it on to the Chair ?

**Mr. A. Rangaswami Iyengar** : Sir, I am sorry I am not ready with the amendment. If this motion is adjourned, I dare say I shall be able to put forward an amendment acceptable to all parties. I move, Sir, that this motion be adjourned.

**Mr. President** : To what date.

**Mr. A. Rangaswami Iyengar** : Some other Government day, the day after to-morrow.

**Mr. President** : The Honourable Member must be definite.

**Mr. A. Rangaswami Iyengar** : Sir, I move that this motion do stand adjourned to Wednesday next.

**The Honourable Sir Bhupendra Nath Mitra** : Before this motion is taken into consideration, may I submit that there seems to be a certain amount of misapprehension on the part of several Members, including my Honourable friend Sir Hari Singh Gour, about the scope of this motion. This motion is not intended to establish a permanent or standing Committee on the lines of the previous House Committee, as I have already made clear. The Committee contemplated in my motion is required to examine certain specific matters and those matters are the question of residence and accommodation for Members of the Indian Legislature including the use and disposal of the Western Hostel. As I have already said, that Committee will certainly be entitled to consider the question of appointment of a permanent House Committee and should they include that proposal in their recommendation, the matter will receive the consideration of Government in due course. But at the present moment, if I may say so, there seems to be a certain amount of confusion in the matter.....

**Mr. President :** I do not think there is any confusion in the matter. Some Members wish to move amendments to this motion and for that purpose they want time.

**The Honourable Sir Bhupendra Nath Mitra :** I wanted to explain, Sir, that it was hardly necessary for them to move for an adjournment with the object of introducing an amendment at this stage. There is nothing in this motion regarding the appointment of a Committee for a specific purpose which prevents that Committee from making that particular suggestion.

**Mr. A. Rangaswami Iyengar :** We can make many suggestions even on the floor of the House.

**The Honourable Sir Bhupendra Nath Mitra :** I quite agree that the House is entitled to make any amendments coming within the scope of my motion, or any suggestions, but that would, if I may say so, be wasting the time of the House. My motion, as it stands, is a perfectly colourless motion.

**Mr. T. C. Goswami :** We want to give it a little colour.

**Mr. President :** The question is :

“ That the further discussion of the motion do stand adjourned till Wednesday next.”

The motion was adopted.

## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

### (AMENDMENT OF SECTION 59.)

**The Honourable Sir Basil Blackett (Finance Member) :** Sir, I beg to move that leave be given to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

The purpose of this Bill is to remedy a defect which has come to light as the result of the proposals made in the last Budget in regard to the assessment of income-tax upon tea companies. It will be remembered that the Government were of opinion that the existing rule which limited to 25 per cent. the amount of the profits of the tea companies which might be treated as non-agricultural was unnecessarily generous to some, at any rate, of the tea companies and that the Government proposed to raise the figure to 50 per cent. There was an existing rule issued under the Income-tax Act which fixed at 25 per cent. the amount of the profits of tea companies which were to be treated as non-agricultural. When the Government proposed to raise that to 50 per cent., they naturally had some discussion with the tea companies before action. In the course of those discussions it became obvious that there was, at any rate, some doubt whether the rule under the Income-tax Act was *intra vires*. It laid down that in all circumstances 25 per cent. of the tea companies' profits must be treated as non-agricultural and assessed to income-tax, but the Income-tax Act says that agricultural income shall not be assessed to income-tax. Therefore it was possible, though not likely in many cases, that the effect of the rule fixing 25 per cent. for all cases would be to tax agricultural profits in some cases. That being so and a doubt having arisen in regard



to the validity of the existing rule, the Government through the Central Board of Revenue entered into negotiations with the tea companies. The Government's first intention was, what seems a straightforward arrangement, that the question of the amount of each particular tea company's profits, which should be treated as non-agricultural, should be decided by the Income-tax authorities with reference to the particular case. It is proved, however, that that would be extremely cumbrous and inconvenient to the tax-payer, and it is at the request of the tea companies that the Government now propose that this slight change in the Income-tax Act be made in order that they might be able to re-introduce a rule, which will be *intra vires*, fixing a definite percentage which will apply to all tea companies. This Bill, as I said, is introduced after negotiations with, and at the request of, the particular taxpayers to whom it applies. At the same time, we found that if there was a doubt as to the question whether the rule regarding the tea companies was *intra vires*, there was a doubt also as to the rule which made a similar arrangement in regard to one or two other matters. The Bill, therefore, proposes to take power to make a new rule which shall be *intra vires* in the case of the tea companies and to remove whatever doubts there may be as to the validity of certain existing rules which are for the convenience of the tax-payer. The Government are anxious to get this Bill through this Session in order that they may be able to proceed conveniently to the assessment of tea companies for the year. The next motion that I shall make, therefore, will be that the Bill be taken into consideration unless I am given to understand that a Select Committee would be desired, in which case no doubt one will consider it, but I am anxious that this Bill, which makes a very small change in the law, should come into force soon after the end of the Session. Sir, I move.

\***Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadian Rural) : I just want to put a question to the Honourable the Finance Member. I understand that this Bill is intended to remove a defect which the Government have found in regard to the 25 per cent. rule as regards the assessments of tea companies. When the Finance Bill was under discussion in this House, the House was asked definitely to assent to the proposal that the export duty on tea should be removed on the understanding that the revenue lost by it would be recovered by means of this assessment of non-agricultural income of tea estates. That proposal has so far not been carried out and it is still in the negotiation stage. We are now asked only to assent to a rule-making power on the part of the Government to enable it to do so. So, before this House gives leave, I desire to ask whether the Government have fulfilled the undertaking that they had given that so far as the tea companies are concerned the income that the State has lost through the export duty on tea will be re-imbursed by means of the change proposed, and if so whether that provision should not be properly put into the section itself.

**The Honourable Sir Basil Blackett** : With your permission, Sir, may I answer this question ? The Government have certainly kept very much in mind the intentions that they had at the time of the Budget and it is in order that they may be able to assess the tea companies to that higher income-tax which they regard as due from them, that they ask the House to pass this Bill. Without this Bill the Government will have to try and proceed to assess every single tea company separately and come

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\* Speech not corrected by the Honourable Member.



[Sir Basil Blackett.]

to a separate conclusion as regards the rate applicable. Instead of that, they desire power under this Bill to fix a rate once for all. What that rate exactly will be must necessarily remain for discussion with the tea companies, when we have power to make the rule, but the intention to make good the loss on the tea export duties still remains.

The motion was adopted.

**The Honourable Sir Basil Blackett :** Sir, I introduce the Bill.

## THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 2, 23, 28, ETC.)

**The Honourable Sir Basil Blackett (Finance Member) :** Sir, I move that leave be given to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

Sir, if the last Bill which I introduced was a small Bill and an innocuous Bill, a Bill introduced at the request of a particular class of tax-payer, I cannot claim that this is the position in regard to this Bill. This Bill is a small thought on a great subject. The object of this Bill is to do something to protect the revenue of the general tax-payer against skilful legal evasion of income-tax. The possibilities of legal evasion of income-tax have been before this House on several occasions and I have more than once foreshadowed to this House the probability of our desiring to introduce and pass into law legislation with a view to checking the habit which is a growing one and which does a serious injustice to the ordinary tax-payer. I do not propose at this stage to make any attempt to explain the Bill in detail. In regard to this Bill, if leave is given to introduce it to-day, the next motion which the Government propose to make will be that it should be circulated for opinion. Sir, I move.

The motion was adopted.

**The Honourable Sir Basil Blackett :** Sir, I introduce the Bill.

## THE CANTONMENTS (AMENDMENT) BILL.

**Mr. G. M. Young (Army Secretary) :** Sir, I move that leave be given to introduce a Bill further to amend the Cantonments Act, 1924, for certain purposes.

The proposed amendments are explained in detail in the Statement of Objects and Reasons. They are, with perhaps one exception, of minor importance. Some of them are intended to clarify the language of the Act, others to remove inconsistencies, and others again to bring the provisions of the Act more into line with the existing municipal law.

Clause 2 of the Bill contains a purely verbal amendment which requires no comment.

Clause 3 deals with a subject to which attention has been drawn more than once in this House. It is a statutory duty of a Vice-President; as the name implies, to preside in the absence of the President. But section 20

of the Act lays down that the President of a Cantonment Board must be the Officer Commanding the Station ; and under military practice there is always an Officer Commanding the Station present in the station. If the permanent Commanding Officer goes away, for however short a time, the next senior officer takes his place, and automatically becomes the Commanding Officer of the Station and the President of the Cantonment Board. The result is that no Vice-President can ever preside at a meeting of the Cantonment Board unless the President deliberately stays away from the meeting to enable him to do so. Clause 3 proposes to remove this anomaly, and enable the Vice-President, on occasion, to preside at meetings of the Board.

Clauses 4 and 5 propose to empower Local Governments to remove members of Cantonment Boards who have, since their election, become subject to any disqualification, which if it existed at the time of their election would have rendered them ineligible for election. This, also, is in accordance with municipal law.

Clause 6 proposes to assimilate the powers of Local Governments of imposing taxation in Cantonments with their existing powers of imposing taxation in municipalities.

Other clauses are intended to improve the phraseology of certain sections of the Act which deal with property tax.

Clause 12 proposes to enable Cantonment Boards to invest their funds in fixed deposit with banks other than the Imperial Bank. Formerly Cantonment Board funds vested in the Crown, and merged in Government balances. They could therefore be invested in fixed deposit with the Imperial Bank only. Cantonment funds now vest in, and are managed by the Cantonment Authority, and there is no reason why Cantonment Authorities should not be able to deposit their funds with other banks, subject to the approval of the Local Government. Sir, I move.

The motion was adopted.

**Mr. G. M. Young** Sir, I introduce the Bill.

## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 10, 14, ETC.)

**The Honourable Sir Basil Blackett** (Finance Member) : Sir, I rise to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Haji Abdoola Haroon, Mr. Fazal Ibrahim Rahimtullah, Sir Purshotamdas Thakurdas, Mr. A. H. Ghuznavi, Mr. A. Rangaswami Iyengar, Mr. Ram Narayan Singh, Mr. T. A. K. Shervani, Mr. Nirmal Chunder Chunder, Mr. D. V. Belvi, Mr. R. K. Shanmukham Chetty, Seth Jamnadas, Mr. M. S. Aney, Rai Sahib Harbilas Sardas, Mr. Anwar-ul-Azim, Sir Victor Sassoon, Mr. H. G. Cocks, Mr. W. S. Lamb, Mr. V. K. Aravamudan Aiyangar, Mr. G. Sarvotham Rao, Mr. K. C. Roy, and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the committee shall be seven.

Sir, the holiday that we have had from other legislation seems to have produced a number of measures so far as income-tax legislation is concerned to-day. This is the third Bill dealing with income-tax in regard to

[Sir Basil Blackett.]

which I have had the privilege of rising to move a motion. This Bill is the Bill which was introduced last Session and was then circulated for public opinion. It contains eleven sections which even the Government have assessed at varying valuation and which I gather some of the taxpayers regard as of varying wickedness. I think it is a little difficult to attempt to summarise the contents of the Bill and I already did so on the motion, during the last Session, when the original idea of referring the measure to a Select Committee was modified into a motion for circulation. The opinions received are fairly voluminous and will give an opportunity for study to the members of the Committee. I have no reason to suppose that there is any objection in the House to the motion that the Bill as a whole should go to a Select Committee. I know that when we reach the Committee, there will be difference of opinion about some of the clauses. I think, therefore, that I shall be suiting the interests of you, Sir, and of the House, if I do not prolong my speech on the subject now but content myself with moving the motion which I have just read out.

The motion was adopted

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Mr. President : Sir Basil Blackett.

The Honourable Sir Basil Blackett : There is a Resolution by Mr. Dalal which comes before the Supplementary Grant that stands in my name.

Mr. President : Is the Honourable Mr. Joshi going to speak on that motion ?

Mr. N. M. Joshi : (Nominated : Labour Interests) : I shall not make a long speech on this motion, Sir ; but I want to speak on it.

Mr. President : That is why I passed it over at present. Sir Basil Blackett.

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## DEMANDS FOR SUPPLEMENTARY GRANTS.

### SALT.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I am not sure that the House has had much time to consider the Supplementary Grants and I would suggest for your consideration that, if the Resolution of Mr. Dalal is not to be moved, we might conveniently adjourn. However, if it is not the desire of the House, I am perfectly prepared to go on.

Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 6,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘ Salt ’.”

The purpose of this supplementary estimate is not to permit of expenditure over and above the amount which has already been voted by the House, but the sum for which we ask authority is required for the quarrying of gypsum at Khewra and it has been held by the Auditor General, with the full concurrence of the Government of India, that this expenditure

constitutes a new expenditure which ought not to be incurred in the course of the year without the special approval of the House. The matter has been before the Standing Finance Committee and I do not think the House will have any difficulty in agreeing that the sum should be granted. Sir, I move.

The motion was adopted.

#### EMIGRATION—EXTERNAL.

**The Honourable Sir Basil Blackett :** Sir, I move :

“ That a supplementary sum not exceeding Rs. 81,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘ Emigration-External ’.”

The purpose of this grant is stated at the bottom of page 2 of the document which has been circulated, and I am sure it is one with which this House will have great sympathy.

The motion was adopted.

#### CURRENCY.

**The Honourable Sir Basil Blackett :** Sir, I beg to move :

“ That a supplementary sum not exceeding Rs. 2,93,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘ Currency ’.”

The purpose of this grant is explained on page 3 of the Supplementary Demands. It is partly required to meet the expenditure on account of scales and weights, to be supplied to the Treasuries to enable them to receive sovereigns and half-sovereigns in exchange under section 2 of the Currency Act, 1927 ; and partly it is for the purpose of meeting expenditure on paper required to manufacture a larger number of currency notes. This last item is not an additional expenditure but an anticipation of expenditure with a view to the fact that we foresee the coming into existence of the new Currency Printing Press at Nasik which will, we hope, in a short time be supplying India with the whole of the currency notes which she requires instead of any being manufactured elsewhere.

The motion was adopted.

#### CIVIL WORKS.

**The Honourable Sir Basil Blackett :** Sir I rise to move :

“ That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1928, in respect of ‘ Civil Works ’.”

This Supplementary Demand is required for the purpose of providing a solution for the very difficult problem of the accommodation of the lady clerks in the Government of India at Delhi. The matter has been discussed for some time and the solution that is here proposed is one which is, I think, both a satisfactory one in itself and, I am convinced after considering possible alternatives, the most economical way of providing for the housing of these ladies. It is a duty that I think the House will recognise is one which cannot be neglected by the Government of India, and the Government of India are of opinion that this is the most economical way in which that duty can be discharged in New Delhi. Sir, I move.

**Pandit Hirday Nath Kunzru :** (Agra Division : Non-Muhammadian Rural) : As this is a contentious matter may I suggest that it will be to the convenience of this House if it were adjourned until to-morrow.

**Mr. Gaya Prasad Singh :** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Some of us are going to oppose it.

**The Honourable Sir Basil Blackett :** May I say a word. The matter was discussed by the Standing Finance Committee and was passed by a majority. It is a question which I think should be considered by this House—I do not say necessarily discussed—but it should be carefully considered by this House, and if there is a demand for an adjournment I do not wish on behalf of Government to oppose it.

**Mr. S. Srinivasa Iyengar :** (Madras City : Non-Muhammadian Urban) : It may be discussed now.

**Mr. Gaya Prasad Singh :** I oppose the motion. I move the adjournment of the debate.

**Mr. President :** The Honourable Member has already spoken to his motion. He is not entitled to move an adjournment of the debate.

**Diwan Chaman Lall :** (West Punjab : Non-Muhammadian) : May I suggest an adjournment of this motion till to-morrow. Apparently there is a feeling in the House that the motion ought to be discussed, and in the circumstances I would suggest an adjournment.

**Mr. President :** I understand from the Leader of the Congress Party that there is no objection to going on with the business now. I do not understand why members of the same party should speak with different voices.

If no Honourable Member is going to speak I will put the question.

**Diwan Chaman Lall :** I move that the motion be adjourned until to-morrow.

**The Honourable Sir Basil Blackett :** May I suggest that the Government business is arranged by Government. If it is adjourned to-day we shall put it down for to-morrow.

**Mr. President :** The question is :

“ That further discussion of this motion be adjourned.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 6th September, 1927.









[Mr. K. C. Roy.]

given by a very distinguished civilian of the Kenya Government, whose name is Mr. W. McGrerer Ross :

“ The largest single grant to an individual was about 100,000 acres (155 square miles) to Lord Delamere in 1903. This was a leasehold land paying a rent of  $\frac{1}{4}$ d. an acre a year on a 99 years' lease. In 1915 the Crown Land Ordinance grants the right to convert this term to a 999 years' lease. The largest grant to a syndicate was 500 square miles.”

Lord Delamere and others who profess to be the trustees of the native population there had no hesitation in alienating these lands from the poor natives for their own plantations. This is the way they are carrying out their trust and to talk of trusteeship to my mind on the part of the Baldwin Government is mere hypocrisy. Then again, so long as there are these two fundamental laws in East Africa, one under which 75 per cent. of the native population are registered as labourers, and another, the Ordinance governing the conduct of masters and servants with a big leaning towards the master himself for a Government who have countenanced all this sort of legislation for so many years, to go out and talk to the world of trusteeship is a thing which will never go down with the Members of this House. We are there as middlemen ; we have done our duty by the British Government ; we have done our duty by the natives. We were there long before the Englishmen came there and we will remain there as long as the Indian Government back us up. Now, this is the trusteeship. And if I were advising the Government of India I should certainly advise them to refuse this trusteeship with thanks.

Now, Sir, I come to another matter. I come to this federation. What is this federation ? It is a federation of Governments as well as the federation of the white colonists, and a federation of white races means the dominance of Kenya by whites ; and nowhere in East Africa or over the greater part of Central Africa is racial hatred, jealousy and animosity so dominant as in Kenya. It is the Kenya whites who rule the roost. Is the Government of India prepared to accept that position ?

Then again, Sir, the federation includes the mandated territory of Tanganyika. We Indians are signatories to the original covenant of the League of Nations. We have equal rights in Tanganyika, but there is already racial discrimination both in legislation and in administration in Kenya ; the same will be introduced in no time in Tanganyika. Is my Honourable friend, Mr. Dalal, prepared to accept this position ?

These, Sir, are some of the reasons which have induced me to move this motion for adjournment.

I wish, Sir, now to say a few words about the position of Indians in East Africa. We are the largest immigrant community in the whole of East Africa. Of course it is very difficult to get accurate statistics, because the Colonial Office has a very nice way of compiling statistics—“ Asiatics so many, Europeans so many.” But we can rely to some extent upon the statistics for the territory of Tanganyika where the Indians are put down definitely as being 10,000. I know that we are more than 22,000 in East Africa. I need not go into the population figures of Zanzibar where the Indians predominate ; and in Uganda we have a very large Indian population, but no statistics are available. In Nyasaland we have about 600 Indians. In East Africa, to the best of my recollection,

we have a large volume of trade. We could not get any figures, however, though we tried to get some in 1924. In respect of East Africa what do we find? In 1922, 19 per cent. of the total trade imports into Kenya and Uganda came from India. The Colony affords in particular an important market for Indian cotton piece-goods and for Indian bags and sacks. India also took no less than 70 per cent. of the total domestic exports of cotton. This is only a very small fraction of the trade which we carry on in East Africa and in Central Africa. Thus, on historical, on political as well as on commercial grounds, we hold a unique position both in East Africa and in Central Africa.

I think, therefore, Sir, that it is incumbent on the Government of India to make their position clear in respect of the new policy. We want to know exactly what they are going to do—accept it or reject it. As I have told the House, Lord Reading was particularly careful; he accepted the underlying policy of the declaration of 1923; *the result is a federation*. And that underlying policy was that the interest of the East African natives should be paramount. I am, therefore, anxious to find out from the Government Benches as much information as possible on the subject. I am also equally anxious, considering our position and our enormous stake over there, that the Government of India should make a representation to His Majesty's Government that India should be adequately represented by representatives of the people on the forthcoming Commission, and that they must try and get the terms of reference considerably altered. No terms of reference would be acceptable to us unless they conform to the declaration of the citizenship of Indians made by the Imperial Conference.

I now formally move the motion that the House do now adjourn.

**Mr. President :** Motion moved :

“ That the House do now adjourn.”

**Mr. A. R. Dalal** (Secretary, Education, Health and Lands) : Sir, in spite of, I have no doubt, the very well meant efforts of my Honourable friend to drag me into the limelight within a few hours of my taking the oath in this Assembly, I refuse to be drawn. There is nothing in the motion as it is now worded to which the Government of India need take exception. The Government of India would agree to convey the substance of this debate to the Secretary of State.....

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Would they back it?

**Mr. A. R. Dalal** : As for the various points on which the Honourable the Mover has challenged me, it will be supererogatory on my part to give him any reply or to make a general statement when the Honourable Member, who is in charge of this Department, is on the floor of the House, and I would leave it to him to make a general statement.

**Pandit Hirday Nath Kunzru** : Sir, we have been told on the authority of His Majesty's Government that there are many problems of a similar character in the East and the Central African territories which ought to be considered by a Commission. There are, we are told, questions relating to the development of transport and communications, customs

[Pandit Hirday Nath Kunzru.]

tariff and scientific research which ought to be treated on the same lines and thought out by the same authority. For this purpose they have appointed a Commission with rather wide terms of reference. Now, one might ask, what is there in this fact to disturb India? What is there to indicate in this appointment of a Commission that the rights solemnly promised to Indians by the White Paper of 1923 would in any case be jeopardised? Now, in dealing with this question I shall refrain, as far as possible, from giving my own views and rely on the opinions of British statesmen themselves. Indeed, I would rely on the language used in the White Paper itself and on the opinions expressed by the Colonial Secretary in the debate on the Colonial Estimates. Now, one of the terms of reference to this Commission is to find out how "to associate more closely in the responsibilities and trusteeship of Government the immigrant communities domiciled in the country". It is thus seen that the question is not one simply of the federation of the East and the Central African Colonies, for these Colonies might be federated and yet there might be no question of increasing the share of the European community settled in any of those Colonies in their government. It is this question, namely, whether the immigrant communities should be given a larger share in the administration of the Colonies where they are settled, that is at the root of the feeling that has been aroused throughout India by the appointment of the Commission under discussion. Now it may be said that His Majesty's Government have deliberately included in their terms of reference the question of giving a share in future government not to any one community but to all the immigrant communities and it might be thought therefore that in any arrangement that might be proposed in future, Indians would have their due share. On this point I would appeal not to the opinion or statement of an Indian, for that might be thought to be prejudiced, but to the opinion of Mr. Thomas who was Colonial Secretary when the Labour Government was in power in 1924. After saying that he felt that the settlement arrived at in 1923 "has been deliberately upset by the changed policy which has been introduced," he added :

"I do not hesitate to say that, if ever the question arises as to what part in Government the native or the Indian can play, there will be no more enthusiastic supporters than my friends on these benches. But that is not what the people who are responsible for the agitation mean. No one knows that better than the right hon. Gentleman (that is the Colonial Secretary) because, when I turn for some definition of what all this means and is intended to mean by those responsible for the agitation, I find in the *East African Standard* of the 1st January that the situation is dealt with in this way.

'Only by grappling the mandated territories to the other British territories by political and economic co-ordination and by the provision of adequate transport links between north and south will there be any proper safeguard against the dangers that Tanganyika, despite the declarations of the present Privy Council, may once more be cut out from the group of territories, which by all natural considerations, will eventually form a great East African Dominion or Federation of States. In the formation of that political and economic entity of the future, white settlement in Kenya must play a major part. We have in this country the only developed centre of Western civilisation in the territories, and, if the benefits of European civilisation are to be extended to East Africa as a whole, the centre of the group, the main control of policy, and all the external influences upon European and native policy must radiate from Kenya, where the principles of development of the subject races through contact with Western ideals have long been established and tested.'"

And after giving this quotation, he went on to say :

“ We can only conclude that it is this kind of speech and this agitation which are responsible for the changes that are made.”

Another Member, Sir Robert Hamilton, taking part in the debate showed that the fears entertained by Mr. Thomas were perfectly true. Speaking of the White Paper under discussion and contrasting it with the White Paper of 1923, he said :

“ It envisages the association with us of people of our race who are living in East Africa.”

And these and the fears given expression to by this belief is further strengthened by the opinions expressed by Mr. Amery himself. Speaking of the question of federation he said that it was desirable that when it was considered, it should be thought out not as an isolated question but in relation to the future development of constitutional government in the African territories. He then dwelt on the characteristics of East Africa and said that while it was not possible that the whole of it should become a white man's land, it was certain in view of the climatic conditions prevailing in certain parts of that territory that Europeans would settle down permanently in those parts. To quote his own language, he said :

“ But over considerable tracts of land the white man will stay for a number of years where he can settle and bring up his family, and thus acquire a real patriotism for his country, and in course of time become responsible for the conduct of affairs.”

Speaking further in the same strain he said that it was undesirable that Europeans should be prevented from taking a share in the government of the African territories, for there was a fear that if they were not associated with the responsibilities of government and trusteeship, then when the time came for handing over the Government to them, they might be quite unprepared to consider administrative questions from the point of view not of the white community but of the entire population of the African territories. But, he went on to say :

“ If, on the other hand, you bring that community, a community of a very fine type of men inspired by British ambitions, earlier into a share of responsibility ; if you make them see something of the work of government and the responsibility of government from the inside you will breed a race of men to whom in the fulness of time this House may be able to hand over its trusteeship without any fear that it will be dishonoured.”

I could give further quotations to show that the people referred to as those on whom fuller responsibility might hereafter be conferred are no other than men of the British race. We are aware, Sir, that it has been repeatedly said that His Majesty's Government adhere to the policy outlined in the White Paper of 1923 and that the rights then promised to Indians would not be taken away from them. Now, in view of the quotations that I have given, and even more, of the trend of affairs both in this country and outside, it is not possible to take such declarations at their face value. But even if it were possible to believe in the sincerity of these declarations, we must ask not that we should be allowed to remain where we were in 1923 but that if the constitutional position of the East and Central African territories is going to be improved, Indians must be given the same economic and political opportunities as men of a different race who have settled down in those territories. If this is not done, it would be idle to pretend that the position of Indians would

[Pandit Hirday Nath Kunzru.]

remain the same as in 1923. As the night follows the day, if we were left where we are and more power were placed in the hands of Europeans, our position would deteriorate and deteriorate considerably, and in the very near future, we should have to face all those questions which we thought had been settled for an appreciable time in 1923, for instance, questions with regard to the possession of land, of residential and commercial segregation, and even the emigration of Indians to East Africa. It is for these reasons that we ask that Indians should be represented and adequately represented on the Commission that has been appointed by His Majesty's Government. In Kenya itself which is regarded as the dynamic centre, if I may say so, of East Africa, the Indian population is more than twice as much as the European population, and if His Majesty's Government sincerely believe in the policy which they preach to the self-governing Dominions and the policy embodied in the resolution passed by the Imperial Conference of 1921 with their concurrence and support, then they ought to see that the Indian representation is no less than the European representation, for that is the only guarantee that questions affecting Indians would be considered from an Indian point of view. Now, we know that the Secretary of State for India would be represented on the Commission by one member. We do not know what the strength and composition of the Commission will be, but in any case I venture to think that one representative of the Secretary of State or the Government of India is utterly inadequate. In the second place, I am sure that Honourable Members at least on this side of the House will agree with me in thinking that the representatives chosen by Government ought to be Indians, preferably those who take part in public affairs. My meaning is that the Indians who are chosen to represent Indian interests on the Commission should be Indian public men. I have no desire to speak against the service men, for I know very well the services rendered to the Indian community by the Honourable Member who headed the Indian Delegation to South Africa. (Cheers.) But the South African question was a question in which we had the entire sympathies of the Government of India on our side, while here we have a question in which, no matter what words the British Government might use, their innermost sympathies would be against us and on the side of the white settlers. It is necessary therefore that we should be represented on the Commission by men who will not be restrained by any official rules or etiquette from giving full expression to their views and who would be able fearlessly to state the Indian point of view however unpalatable it might be either to the British authorities or to the Indian Government.

**Mr. A. Rangaswami Iyengar :** If I rise to say a few words on this motion, it is only to draw attention to the fact that by reason of your ruling its scope has been narrowed.....

**Mr. President :** It does not look like it.

**Mr. A. Rangaswami Iyengar :** We are not in a position to say all that we feel on this most vital question affecting our fellow-countrymen in Eastern and Central Africa. Sir, the real crux of the whole situation seems to me to be this. In 1923, His Majesty's Government, mainly because of the difficulty of arranging what may be called responsible government, in which the whites only can have a major share, decided not to grant responsible

government and laid down a policy in regard to the native races which they say holds the field even to-day. In 1923, His Majesty's Government said that they were not going to give responsible government to East Africa for the reason that the bulk of the country is in the hands of native races for whom they are holding the position of an exceptional trustee. In all Colonial constitutions, before federations were established, there have always been clauses which reserved expressly to the Imperial Government the right to deal with native affairs. That was a fundamental part of every Colonial constitution, which is self-governing and therefore in respect of a constitution which had been becoming self-governing, the Government took special care to say that, so far as native affairs especially in East Africa are concerned, they cannot delegate the trusteeship which is in their hands into the hands of the white population. That implies a definite proposition and a proposition which has been accepted and acted upon in all Colonies, namely, that the Colonial whites have throughout been considered by the Imperial Government as people who cannot be safely entrusted with the duty of looking after the native whom they have gone out to exploit. So, the Imperial Government have always recognised that moral duty. Now, Sir, the position that has been reached is this. These East African whites as well as the whites in the other Colonies having had to accept the position that, in so far as native races are concerned, the trusteeship solely vests in the Imperial Government until the natives themselves according to the Imperial Government's declared policy become able to take part in the self-Government of those territories, it was not safe for them to leave it to the Colonial whites there to look after native affairs. The trusteeship cannot be shared. That was the proposition which, I take it, was laid down in 1923. Now, Sir, barely four years have elapsed and the Government White Paper has been at extraordinary pains to make out a case for reopening a question which was definitely closed in 1923. They say that among other things that have happened there have been conferences of Colonial Governors, there is research to be done, there are different customs duties, there are various other matters, and therefore, this federation question has to be reopened, because there has again been recently a conference of Colonial Governors, there has been a European Commission and all of them now want to say to the Imperial Government "You shall not have the sole trusteeship. We are equally whites with you, so let us share it." Therefore this dual system, as they call it, must be expanded so as to give power to the whites to share in the trusteeship. What does this mean? It means that the whites in all these Colonies, if they share this trusteeship with the Imperial Government, could squeeze out the very much larger number of equally responsible Indians who, as my friend Mr. Roy pointed out, have been there for centuries. Every declaration made by every Colonial white, by every Colonial Governor and by every Colonial writer has been to the effect that Indians will not be allowed to share in this trusteeship. Now, I want to ask the Government of India whether they have taken care to obtain a definite statement from the Imperial Government that if it is question of sharing in the trusteeship whether Indians will have, according to their status, population and strength and stake in the country, equal rights to share this trusteeship. The trusteeship will then be real. As we all know, it is the Indians who are the friends of the whites and who have enabled the Europeans to trade with the natives. It is the Indian middleman who has enabled the Europeans to exploit and develop that land and to make profits for them. And

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what is the policy now pursued ? The Indians are nowhere. They have been segregated. And so far as representation is concerned, although they are five times more numerous than the Europeans, they have been given only one-fifth of the representation in the local East Africa Council. Therefore, Sir, I want to put it clearly to the Government of India and to ask them whether they propose to acquiesce in just any kind of representation for India, such as a representative of the India Office on the Commission ; or if there is going to be a federation, whether they are going to allow a constitution to be built up in such a way that the Indian position will become absolutely untenable. Because, Sir, as Mr. Roy's figures show, once there is a federation and that federation is given what is euphemistically called a trusteeship, namely, the right to exploit the land in Central Africa and the natives, together with assignments of land such as those which he has referred to—Lord Delamere has been given 100,000 acres at half a penny an acre first for 99 years and then for 999 years, and the East African Development Syndicate has been given 320 acres on the same terms—then I want to ask if that is the way in which the whites are going to be given the trusteeship and if the Indians are going to be given only a few hundred acres, then what is the trusteeship in which we are going to share ? That is the point on which I want the Government of India to give the clearest indication of what they propose to do in regard to the representation of Indian interests. Our rights are superior from every point of view. We have colonised long before the Europeans. We have enabled them to develop this Colony and to enrich themselves. As to culture and civilization we can certainly boast of a superior and more ancient civilization. Therefore I say that on this question of the trusteeship, the Government of India must be in no doubt. They must make it clear that this trusteeship does not mean that while the Europeans are going to exploit the land, the Indians are going to be segregated, as they have tried to do and have succeeded in doing in South Africa. Here they will be establishing a federation which will be the means of definitely extinguishing the Indian element in Central Africa. We cannot accept that position. If East Africa is going to be developed, I say we have a far greater right to go and settle there. We are far better able to live and to get on with the natives there. But for us the Europeans would not have been able to get on with the natives. Our right to take part in the development of the country is superior to that of any whites that may be there. Therefore the Indian Government has the largest stake in any proposition which seeks to settle the future position of Central Africa. I therefore demand that the Indian Government should press on the Home Government the demand that India should have a predominant representation on this Commission, because the rights of the Indians there are superior to those of any other community in East and Central Africa. I therefore support the motion.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : I should like to read three passages from this White Paper in the hope that the Honourable Members on the Treasury Benches will be able to enlighten the House as to what is the policy of the Government of India and of the Secretary of State in regard to that matter. If



I understand this paper aright, Sir, the position taken up by the British Government in 1923 was to the following effect :

“ We do not want that there should be any measure of self-government in Kenya. It is a Colony which must be managed by the British Government in trust for the native races of Kenya and Kenya alone.”

And so far as the Europeans, Indians or Arabs were concerned, their rights were simply to safeguard it. In case I should have misread this paper, I wish to read only two lines therefrom. It is said :—

“ Obviously the interests of the other communities, European, Indian or Arab, must severally be safeguarded. But in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust.”

The position, therefore, was that the Europeans and the Indians in 1923 had co-equal rights. Now this paper tells us that four years have elapsed and we must now give a measure of self-government to Kenya and other mandated territories of Tanganyika by way of a federation. This is made abundantly clear in the terms of reference itself. It is stated therein, that ‘ one of the objects of the Commission would be (point No. 3) to make recommendations in regard to the possible changes in the powers and composition of the various Legislative Councils of the several territories.’ Now, Sir, in making recommendations for the enlarged powers and composition of the various local Councils of the territories mentioned in the White Paper, what is to be the share of the Indians ? Now the point that concerns me here is this. The Honourable Member, if he turns to page 5, will find, reading it as I do, that the rights of the Europeans are to be advanced, increased, but so far as the Indians are concerned, they are merely to be relegated to the position in which they were along with their European confreres in 1923. In other words, while the Indians and the Arabs were to get no share whatever in the trusteeship or the government of the country, that was to be given to the Europeans and Europeans only. If I am mistaken, I should be most happy, Sir, but is this language susceptible of any other interpretation ? Let me read to you, Sir, what this White Paper says :

“ The growth of Europeans and other settlements in the East African dependencies raises the problem of the part which these communities must play in the political as well as the economic life of the several territories. Their claim ”

—the claim of the Europeans I presume—

“ to share progressively in the responsibility of government can not be ignored.”

We have no objection whatever, Sir, to the claims of the Europeans to participate in the government of the country, but what we do ask the Government of India, as the trustees of India itself and the trustees of the various communities that inhabit this country, is as to how far in this federation which is proposed and the enlarged powers which the Commission will recommend for the newly constituted Councils the Indians will have a voice and a share. If they are to be merely safeguarded their rights of 1923, they stand to lose and lose heavily, because, while the European communities are forging ahead and are to participate in a measure of self-government of the country, the Indians are to be merely safeguarded in the possession of the rights which were given to them in 1923. That is a point, Sir, upon which the Government of India must make a strong representation to the Secretary of State, and so far as this House is concerned, it will not tolerate a position in which the people of this country, who have been the pioneers of Kenya and the



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other adjacent territories, are to be relegated to a status of subordination to the European communities who are to participate in the trusteeship of these territories. That is a point, Sir, upon which this side of the House feels strongly and it is this point, I submit, which cannot be too strongly emphasised by the Government of India when they make representations to the British Government through the Secretary of State that Indians and Indian interests must be so sufficiently safeguarded ; that they must not merely safeguard the rights as they stood in 1923 but must also share in the progressive political development of the country to the extent that the Europeans are going to participate and share ; and, due regard being had to their population, their economic value and importance, the same rights must be conferred upon Indians as are to be conferred upon the white settlers. That is a point upon which I would ask the Honourable Member in charge of the Department to enlighten the House. .

**\*Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : Sir, I should only make one point. I am afraid there was a time when white people were pressing for having certain rights of trusteeship over the black people and they did not like Indians. Now, I think everything hinges on what is known by the name of the Tanganyika muddle. Tanganyika is to be kept and therefore this measure is going to be precipitated ; so it is suspected. There is no demand on the part of the white settlers, there is no compulsion, there is nothing which compels the British Government to give more powers to the white settlers. Now, if we command confidence and we are treated equally with the white people, if the British Government want to take Indians into confidence and give them equal power, equal privileges, with the white people of East Africa, this is the opportunity ; and the Indian Government should press this point that Indians ought to be treated equally when a federation is going to be formed, because all those territories are going to be formed into a federated territory of self-governing lands, so that the Tanganyika muddle may be avoided. Here there is no compulsion from the white people of East Africa, and here the British Government may show their love and equal treatment of the Indian people. With these words, I support the motion.

**Diwan Chaman Lall** (West Punjab : Non-Muhammadan) : Sir, we have often heard of British Imperialism and I do not want it to be said that in the speeches that we have heard this afternoon we have seen the rise of what I may call Indian Imperialism. I do not think Honourable Members who have spoken on this side of the House desire to emphasise the point that they are equally anxious with the British population of East and Central Africa to claim rights which are unequal rights as compared with the rights of the natives of those territories. We would be quite content—and I am certain I have the sense of this side of the House with me when I say this—we would be quite content if the rights that are given to us in East and Central Africa are of a similar nature to the rights that should be given to the native population of those territories. I take it that there are something like 12 million Negroes who inhabit those territories. There is not one Indian in political life in India to-day who would be willing to rob those natives of their rights for the benefit of the Indian

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\* Speech not corrected by the Honourable Member.

population of those territories. Now, the question that arises in this My friend Pandit Hirday Nath Kunzru extolled the White paper of 1923, but I think he forgot that what the White Paper of 1923 did was to restrict the rights of Indians in Kenya. It robbed the Indians of rights which were their birthright. Indians are in a very large majority as compared with the Europeans in that territory. Let me quote a sentence from an article which appeared recently :

“ We regret to note that His Majesty's Government do not seem to appreciate the gravity of the proposal in all its bearings. Their assurance, regarding Kenya, that they adhere to the underlying principles of the White Paper of 1923 both in regard to the political status and other rights of British Indian residents is more insulting than assuaging. For what the notorious document did was to reduce the Indian community from a position of equality with the whites in every respect to one gallingly inferior in material particulars. The whites, a mere handful compared with the number of Indians, were given eleven seats on the Council as against the five allotted to Indians ; a communal franchise was imposed on them ; vexatious restrictions were sought to be placed on the immigration of Indians ; the best lands in the country were earmarked for the whites ; and in numerous other ways, the White Paper marked out the Indians for a despicable destiny. The Government of India at first made a show of emphatic protest, but on His Majesty's Government assuming a stern countenance, their enthusiasm for the Indian cause cooled ; and, with the timid reservation that they would re-open the question when a suitable opportunity offered, they accepted the White Paper settlement.”

That was the White Paper settlement of 1923. At that time it was definitely declared that, as in the Uganda Protectorate, so in the Kenya Colony “ the principle of trusteeship for the native no less than in the mandated territories is unassailable. This paramount duty of trusteeship will continue as in the past to be carried out not by the white settlers of those territories but carried out *under the Secretary of State for the Colonies by the agents of the Imperial Government and by them alone.*” This was said in 1923. In 1927 what has been said is this :

“ That the claim of the Whites, their claim to share progressively in the responsibilities of government, cannot be ignored. These responsibilities, however, cannot be limited to the representation of their own community interests ; and if ”

—this is the most important sentence—

“ clashes between these interests and those of the vast native populations are to be avoided their share.”

—the share of the white settlers in the trusteeship—

“ in the trusteeship for the progress and welfare of the natives must be developed.”

So within the period of 4 years from 1923 to 1927 we have seen this development, namely, that whereas in 1923 the British Government never contemplated the delegation of their authority to the white settlers in regard to native affairs, in 1927 they are being dragooned into the delegation of that authority to the white settlers of Tanganyika and of Uganda. Why is this being done ? My learned friend Mr. Roy pointed out that there was a period when the Labour Government was in office when such things were not contemplated. I hold in my hand, Sir, a very important document which was prepared at the express instigation of the Secretary of State for the Colonies, Mr. Thomas, and was placed before the Cabinet in regard to this very matter. It was prepared by a gentleman whose name is very well known, the late Mr. E. D. Morel, and he laid down certain principles which he said would guide the British Government and the Labour Cabinet in settling the policy in regard to these territories.

[Diwan Chaman Lall.]

One of the principles was, firstly, a numerous and contented native population, secondly, security, absolute security, of land tenure, thirdly, freedom for native labour, meaning thereby that if there be an external demand for native labour, the natives shall be perfectly free to accede to that demand and, fourthly, the progressive, economic and political development of the native population. All these principles, I take it, were more or less strictly adhered to by the Labour Government ; but when the Conservative Government came into power they have gone in for not only the reversal of that policy which was adumbrated during the period of the Labour Government's existence but also a reversal of the 1923 policy. The result is that no protection is now available either to the native population or to the Indian population as it should under the natural system be available to them. We have the example cited already here before us where the British capitalists have gone out to those territories and have been granted tremendous concessions for a song. A half-penny an acre was, I believe, the figure quoted. They have been granted these concessions. Why ? In pursuance of this policy of trusteeship. Whose trustees are they ? Of those people whose lands they have taken away forcibly ? Of those people who have been dispossessed of the territories which belonged to them ? Not a bit of it. They are trustees merely of the British exploiters who go out to these countries. They are the trustees of the British capitalists who go out to these lands to exploit the country because there is cheap labour, as there is in this country, and cheap raw material to be found there. Now, Sir, I am told that the principle of trusteeship is going to be affirmed once again. In 1925 at Geneva—my friend Mr. Joshi will bear me out—we raised this matter and we definitely charged the Government of Kenya with forcing native labour to go into the British plantations when that native labour was not willing to go there. This was done by means of the poll-tax which compelled the native worker there, the peasant, to leave his own little bit of land because he was not able to pay to the Government the poll-tax which was demanded by the Government from him ; and therefore it was necessary for him to go into the British plantations and work there to earn his living and become a slave of the British exploiter. This is the manner in which the trusteeship of these lands is being carried out by the British exploiters of that territory. But we are not concerned with that aspect of the question to-day. What we are concerned with is this : that this policy that is now being pursued by the British Government, namely, the creation of a Central Government binding all the three Governments into one federal whole, is in pursuance of a desire to rob not only the native population but also to rob the Indian population of their rights. What has happened in Kenya under this system yesterday will be repeated in the territories of Uganda and Tanganyika to-morrow and that is the fear that we have ; that is the fear that has prompted my learned friend Mr. Roy to bring forward this motion for adjournment, and I hope that the Government of India will take due note of the feeling in this country. They are generally in matters of this kind mere lotus eaters dreaming away sweet dreams ; but I hope that they will take action themselves and that they will need no prompting from us in regard to this matter. Their own reputation and their prestige are as much at stake in regard to this matter as the reputation and prestige of the people of India, and I hope they will fight as one of their Viceroys in days gone by did fight for Indians settled abroad. They must realise that there is nothing that

nauseates the average Indian so much as this attitude of hypocrisy—to say that one is a trustee of a man's land and then to go and rob that man of his land. Mandates in my opinion, wherever the British Government is concerned, should read “bandits” and not mandates.

My last remark will be not merely an appeal for more representation on this Commission of inquiry that is going out to these countries but an appeal that the Indian Government should place before the British Government a detailed scheme as to what it desires in regard to the welfare of the Indian population in these territories. They must press this matter to the last limit and they must use every influence and every power that they have. Because they may rest assured that the people of India as well as the leaders in political life will back them up every time provided they take up an honest attitude and stand by the rights of Indians in the territories of East and Central Africa.

**Mr. Rafi Ahmad Kidwai** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I move, Sir, that the question be now put.

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur** (Education, Health and Lands Member) : Sir, I have no intention whatsoever of traversing the long array of arguments which have been put forth by the various Honourable Members who have preceded me. My task at the present moment is merely to satisfy the House as to whether there exist any circumstances which need create any undue pessimism or alarm in their minds and whether in the light of the documentary evidence that we possess it is justifiable for them to hold such views. I wish, before I begin to deal with the White Paper which has been issued by His Majesty's Government recently, to reiterate what the Honourable Mr. Dalal has already said on behalf of the Government of India.

**Sir Hari Singh Gour** : He said nothing.

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur** : Further, I may say that I have listened with the greatest interest to the discussion which has taken place in this House, and, agreeing with Mr. Dalal, I can promise that this discussion will be communicated to the proper quarter as expeditiously as possible.

**Sir Hari Singh Gour** : Backed up with your own recommendation or without ?

**Mr. Gaya Prasad Singh** : What are the Government of India going to do ? That is what we want to know.

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur** : I may also assure the Honourable Member who appealed for sympathy of the Government of India that there shall be no lack of that virtue at all. If the past record of the Government of India in regard to their work in South Africa and elsewhere could be taken as a criterion of the interest which they have evinced, are evincing and will continue to evince for the future on behalf of the Indians overseas, I hope Honourable Members will give me credit for claiming that sympathy.

Then, Sir, some Honourable Members who have made reference to the White Paper have not—they will pardon me if I say so—put correct

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interpretations on the passages which they have picked up from that White Paper here and there. My complaint largely is against the Honourable Dr. Gour. He has drawn our attention to a particular paragraph and insists on reading into that paragraph his own meaning. On the other hand, Sir, with the knowledge of English that I possess,—and I admit that I do not possess it to the same degree which the Honourable Doctor does—I am unable to agree with him that the particular paragraph which he has quoted, with probably a great deal of confidence in his own mind as disclosing the weakness of the document, does not represent the position of affairs as depicted by him. I shall read that paragraph to the House. What does it say?

“The growth of European and other settlements in the East African dependencies raises the problem of the part which these communities must play in the political as well as the economic life of the several territories.”

Does it, Sir, convey the interpretation that this particular sentence has any special significance to the European community only? If I understand this paragraph aright, here the words are “the European and other communities”, and therefore, I have no hesitation in interpreting those words as conveying the meaning that not merely the European but all other communities who have settled in that country are included. And then, Sir, to make the meaning still further clear, the document proceeds to say “their claim to share progressively in the responsibilities of Government cannot be ignored”. Now, whose claim is it, Sir? The claim of “the European and other settlements in the Colony”. Here again it is a direct recognition of the rights of the Indian community as well. There are numberless references in this document which clearly connote the interpretation which I have ventured to attach, for my Honourable friend would have noticed that in this document there are three other places where the words “immigrant communities” have been employed. In another place it is queried:

“whether it is possible to provide for increasing association of the immigrant communities in the responsibilities of Government and at the same time for the creation of more effective machinery for native representation.”

This particular paragraph I have quoted not merely to confirm the view which I expressed that throughout this document the Indians have not been excluded from consideration in that they have obviously been included under the term of “immigrant communities”, but also that there need be no misgiving whatsoever as regards the interests of the natives as well.

**Sir Hari Singh Gour :** Will the Honourable Member explain what

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is the meaning of the last paragraph at page 7?

Are those not words of imitation, namely, that the rights of Indian natives will be safeguarded as they were safeguarded in 1923. I should like to reconcile that interpretation with the last paragraph which occurs on page 7.

**Pandit Hirday Nath Kunzru :** Sir, since the Honourable Member is indulgent enough to allow an interruption, may I ask if he has read the debate on East Africa which took place in the House of Commons?

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur :** I have read the debate in newspapers, but I am not going to utilise it inasmuch as I have not got the Hansard in my hands and I don't think I can quote from newspapers.

**Pandit Hirday Nath Kunzru :** I can lend the Honourable Member a copy of Hansard.

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur :** Then Sir Hari Singh Gour has confronted me with a question as to how I am going to reconcile the last paragraph in the White Paper with the quotations which I have previously made. Well, my only contention is that the former has been definitely and specifically put in as an additional guarantee that no rights of the Indians which have already been secured to them by the White Paper of 1923 will be interfered with, but that does not in my opinion mean that any recommendations which the Commission which is about to be set up may make for the further advancement of that community will not be either accepted or even considered. Of course, His Majesty's Government were quite right in adding that rider, for, if this White Paper had appeared without that rider, I am afraid the apprehensions entertained in India in regard to the existing rights of Indians may have been more serious than they are to-day. Then again, what do we find in this document as regards the trusteeship? His Majesty's Government make it sufficiently clear :

“ In any such changes it will be essential to maintain the principle that the administration of the East and Central African territories is based on the exercise by His Majesty's Government of a trust on behalf of the African population and that, while they may now be prepared to associate with themselves in that trust the members of the resident immigrant communities ”

—I emphasise those words again—

“ they are still under an obligation to ensure that the principles of this trusteeship will be observed. ”

And then one more quotation from this document and I shall not quote more. In the White Paper again, His Majesty's Government says :

“ At the same time it will be a fatal error if any decisive step is taken before we have satisfied ourselves that such a step will be received with goodwill by those whose co-operation will be necessary for its success. ”

Now, therefore, Sir, with such distinct, clear unequivocal language which has been used in the White Paper to indicate that the interests of the Indians will be duly safeguarded, that the interests of Indians did not escape the attention of His Majesty's Government, I do not think there is any need for any alarm.

And then, after all, it is only the first stage that has now been reached—I mean the decision to appoint a Commission. There are two other stages yet before us, the investigation and the recommendations of that Commission and the final orders on those recommendations by His Majesty's Government. I recognise that a certain degree of watchfulness is necessary on the part of the Government of India when these proceedings are taking place. I also recognise that there is a serious responsibility cast on the shoulders of the Government of India to see to it that the interests of the Indians are not prejudicially affected by any recommendations which the Commission might make, and on that matter, I can assure the House that we will not shrink from our responsibility at all. So far as things have gone at present I cannot allow myself to be swayed by any considerations of pessimism. If my reading of the situation is correct—and I hope it is—then I do not expect that the recommendations of the Commission will in any way be to the detriment

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of the Indian interests in the Colony. Should any occasion arise and it becomes necessary for the Government of India to make proper, timely and adequate representations, I can assure the House that we shall leave no stone unturned. We have already, as the Honourable the Leader of the House told you this morning, registered necessary representations, and if it became imperative for us to make further representations, we would certainly do so. For the present, I shall merely forward these proceedings to the proper quarter so that an idea may be formed as regards the strength of feeling in this House, which I know is indicative of the strength of feeling in the country, and I hope this will satisfy my Honourable friend Mr. K. C. Roy.

**Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) :** Will the Honourable Member enlighten the House as to who will be the representatives of India on this Commission ? The Honourable Member has said nothing in his speech on this point.

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur :** I am sorry I can make no such announcement on a matter which His Majesty's Government have not announced as yet.

**Maulvi Muhammad Yakub :** Will the Honourable Member convey the sense of this House to His Majesty's Government that India should be represented by Indians ? Will he give an assurance on the floor of the House that he will convey this ?

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur :** The motion itself is to that effect.

**Maulvi Muhammad Yakub :** What about the action of the Government of India ? Will the Government of India convey the sense of this House to His Majesty's Government ?

**The Honourable Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur :** I thought I said that already.

**Mr. K. C. Roy :** Sir, I am grateful to my friends who have supported me and I am grateful to Mr. Dalal for accepting my motion. But, Sir, that by itself does not carry me very far. My disappointment has been very great with the speech of the Honourable Member in charge of the Department of Emigration. For him I have the greatest respect. For his services I have nothing but admiration. But he has not enlightened us much on this subject to-day. He has not told us whether the Government of India, as a subordinate branch of His Majesty's Government, has accepted the White Paper of 1927.

But his able advocacy of that paper convinces me that the Government of India has accepted it. If they have done so I extend to him my cold sympathy. The doctrine of trusteeship is an invention of that Florentine whose name is well-known all over the world. He is no other than Machiavelli and if we have accepted the Machiavellian doctrine for the administration of East Africa and Central Africa I extend to him my cold sympathy. As regards the assurance of the Government of India that they are going to be very watchful, I will only give him a quotation. They have been watchful ever since 1908, and what has been the result of that watchfulness ? The situation has gone down and down

till we have touched the bottom. I will read the despatch of the Government of India to the Secretary of State, Lord Salisbury.

“ Indian settlers lived and traded in British East Africa long before the days of British rule, and their status in the country and their claims to political recognition are such that they cannot be overlooked. We believe, however, that these claims are not regarded with favour by the white colonists, that the Indians as a whole are disliked by them, and that certain areas are being reserved entirely for white colonization ; and it is within our knowledge that fears have already been expressed lest, when the country is eventually given self-government, the antagonism of the white colonists and the Indian traders and settlers may result in similar problems to those which have had such deplorable results in South Africa.”

We know the condition since 1908, and yet my Honourable friend, Sir Muhammad Habibullah counsels us to be patient. Of course, what else can we do but practise patience, and rely on the “ subordinate branch of His Majesty’s Government ” ? (Applause.)

**Mr. President :** The question is :

“ That the House do now adjourn ”.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 22nd August, 1927.

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## LEGISLATIVE ASSEMBLY.

Monday, 22nd August, 1927.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### MEMBERS SWORN.

Munshi Iswar Saran, M.L.A. (Lucknow Division : Non-Muhammadan Rural);

Mr. Rajivaranjan Prasad Sinha, M.L.A. (Patna *cum* Shahabad : Non-Muhammadan).

### QUESTIONS AND ANSWERS.

#### COMPLAINT REGARDING THE THIRD CLASS BOOKING OFFICE AT SEALDAH.

48. \*Mr. Gaya Prasad Singh : Has the attention of the Government been drawn to a signed letter, published in the *Amrita Bazar Patrika*, dated the 22nd May 1927, in which a complaint is made that the third class booking office at Sealdah Station (Eastern Bengal Railway) was not open even one hour before the arrival of a particular train on the 15th May last ?

(b) Is not the Sealdah booking office required to be kept open for 24 hours under the rules ; and has any notice indicating the opening hours of the booking office been put up before it ? If not, why not ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Under rule the Sealdah booking office is kept open day and night for the issue of tickets to passengers of all classes. The Agent of the Eastern Bengal Railway intimated to the Railway Board last September that he had no objection to the opening hours of booking offices being notified on posters in vernacular in front of third class booking offices, and he has been asked to see that, if not already done, this is done at Sealdah.

#### INCREASE IN THE NUMBER OF THIRD CLASS BOOKING CLERKS AT MUTTRA JUNCTION.

49. \*Mr. Gaya Prasad Singh : (a) Are Government aware that Muttra is an important place of pilgrimage, and that the number of visitors and pilgrims there is very large all the year round ?

(b) Is it a fact that Muttra Junction is the station at which tickets for the Great Indian Peninsula Railway, East Indian Railway, Bombay, Baroda and Central India Railway (N. M. Railway, and R. M. Railway) are issued, but that there is no enquiry office ?

(c) Is it a fact that only one booking clerk has to issue third class tickets for the Great Indian Peninsula Railway, and the East Indian Railway ; and another booking clerk has to issue third class tickets for the

N. M. Railway, and the R. M. Railway, and that third class passengers are put to great inconvenience and delay in purchasing their tickets ?

(d) Do Government propose to consider the question of increasing the number of third class booking clerks at Muttra Junction, so that the third class booking office may in practice be open for 24 hours for the issue of tickets ?

Mr. A. A. L. Parsons : (a) Government are aware that Muttra is an important place of pilgrimage.

(b) Yes.

(c) It is a fact that only one booking clerk ordinarily issues third class tickets for the Great Indian Peninsula Railway and the East Indian Railway and another for the N. M. Railway and R. M. Railway, but this staff is increased during melas and arrangements have been made for extra staff to be detailed to assist in the issue of tickets at the time of the East Indian Railway Howrah Express No. 8 Down and the Great Indian Peninsula Railway Passenger No. 13 Down. I understand that it is at these times that complaints of delay have been made.

(d) The booking offices at Muttra Junction are open for 24 hours.

#### FEES CHARGED BY THE LADY IRWIN SCHOOL FOR GIRLS IN SIMLA.

50. \*Mr. Gaya Prasad Singh : (a) Is it a fact that an Indian Girls' School has been opened in Simla, which is in receipt of a Government grant ? If so, what is the average proceeds of the fees, and the amount of the Government grant ?

(b) Is it a fact that a rule has been made, or is about to be made, whereby each child of a non-official servant will have to pay one rupee more than the child of a Government servant ? If so, why this invidious differentiation ?

Mr. A. R. Dalal : (a) Yes. The fee income of the school amounted to over Rs. 1,500 up to the end of June, 1927. The Government of India have sanctioned a grant-in-aid to the school to the extent of Rs. 7,700 in 1927-28 and of Rs. 5,700 in subsequent years. It is subject to reconsideration after three years.

(b) One of the conditions of the Government grant is that pupils who are children of, or under the guardianship of, employees of the Government of India should be charged fees which are less by  $33\frac{1}{3}$  per cent. than those charged to other pupils. The reason for this concession is that the school is intended primarily for the benefit of the female children of the Government of India's employees. It is not the intention of the Government of India to assist in the maintenance of a school which is mainly attended by girls whose education is the concern of the Local Government.

Mr. Gaya Prasad Singh : Is not the school in receipt of a grant-in-aid from the Government of India, from the general tax-payers' purse, I mean ?

**Mr. A. R. Dalal :** The grant-in-aid is mentioned above as Rs. 5,700 recurring for three years.

# PREVENTION OF SERIOUS CRIMES IN NEW DELHI.

**51. Mr. Gaya Prasad Singh :** (a) Is it a fact that a serious armed dacoity was committed in April last in Raisina, New Delhi, in the house of Mr. G. Kaula, Accountant-General, Central Revenues, in the course of which his nephew was seriously injured by the dacoits, and property of the value of over Rs. 4,000 was taken ?

(b) Is it not a fact that cases of theft and dacoity have been on the increase in New Delhi for some months past, and will the Government be pleased to place on the table a full statement of such cases during the last 12 months, giving their dates and other details, together with the result ?

(c) Will the Government give the total strength of the police force in New Delhi, and the reasons of their apparent inability in checking such crimes ?

(d) What steps have been taken, or are about to be taken, to prevent the commission of such crimes in future ?

(e) Are Government prepared to allow respectable house owners in Delhi to retain fire-arms for defensive purposes ?

**The Honourable Mr. J. Crerar :** (a) Yes.

(b) The number of thefts, burglaries and dacoities during the 12 months ending the 31st May 1927 was 136 as compared with 98 in the corresponding period ending the 31st May 1926. The statement asked for by the Honourable Member has been compiled. It is a very long one, and, if the Honourable Member desires, I shall be glad to let him have a copy.

(c) The sanctioned strength of the New Delhi Police Station is 1 Inspector, 2 Sub-Inspectors, 14 Head-Constables, 5 Lance-Head-Constables and 174 Constables. It has not been possible hitherto to maintain this force at its full strength, but an increase in the Delhi Police was sanctioned last cold weather, and the station will be kept at its full strength from the autumn of this year.

(d) The patrolling system has been carefully overhauled and the situation should be improved by the increase of staff above referred to.

(e) Licences are, and will continue to be, granted to persons of approved character in accordance with established principles.

## FOREWORD TO THE INDIAN SANDHURST COMMITTEE REPORT.

**52. Mr. K. C. Roy :** (a) Will the Government be pleased to state whether the 'foreword' appended to the Indian Sandhurst Committee Report by the Government of India represents their views arrived at after due consideration of the recommendations of the Committee, or whether it is merely a preface without adequate consideration of the fundamental issues raised in the Report ?

(b) What are the 'certain factors' stated in the 'foreword' which were not within the province of the Committee to undertake a complete survey of its field ?

(c) What are the "alternative methods which did not fall within the Committee's terms of reference" and what are the reasons for their exclusion from the Committee's purview?

(d) Was the "foreword" submitted to, and approved of, by the Secretary of State before its publication with the Report?

(e) Why was this unusual practice of writing a "foreword" to a Committee's Report adopted in this case?

(f) Do the Government of India intend to publish the full evidence recorded by the Committee, and, if not, will Government state the reasons for that decision?

**Mr. G. M. Young :** (a) Yes, Sir, the "Foreword" was issued after due consideration by the Government of India and represents their views.

(b) Several of the factors are specified in the "Foreword".

(c) Government had no particular alternatives in mind either at the time of appointing the Committee or at the time of publishing the "Foreword". They merely on the latter occasion stated that they must leave themselves free to consider whether alternative methods might not profitably be explored.

(d) Yes, Sir.

(e) In view of the wide issues raised by the Committee's Report the Government of India, as stated in the "Foreword", considered it necessary to emphasise that neither they nor His Majesty's Government had at that time formed their conclusions on it, but that it would be used as a starting point for discussions upon these issues.

(f) Government do not intend to publish the evidence recorded by the Committee, as a considerable portion of the evidence recorded in India was confidential and the evidence given by official representatives to the Sub-Committee which visited England was also confidential.

**Pandit Hirday Nath Kunzru :** Is it a fact that the Sub-Committee which visited England submitted its report to the main Committee and that the main Committee passed it for publication along with the main report?

**Mr. G. M. Young :** I did not quite catch the last sentence.

**Mr. President :** Will the Honourable Member repeat his question?

**Pandit Hirday Nath Kunzru :** Is it a fact that the main Committee asked the Government of India to publish the report of the Sub-Committee which visited England?

**Mr. G. M. Young :** The main Committee said nothing whatever about the publication of the Sub-Committee's report in its report. I did receive as a matter of fact a communication from one Member of the Committee to the effect that the Committee desired the Sub-Committee's report to be published, if possible.

**Pandit Hirday Nath Kunzru :** Did the Government of India themselves inquire from the Committee whether it wanted that the whole report should be published.

**Mr. G. M. Young :** No, Sir, the Committee had by that time dispersed.

**Pandit Hirday Nath Kunzru :** Did the main Committee indicate that the report of the Sub-Committee was confidential and should not be published ?

**Mr. G. M. Young :** I think my Honourable friend is under some misapprehension about the Sub-Committee's report. It is not within the discretion of the Government of India to decide how much of the proceedings of the Sub-Committee in England could be published or not. The Sub-Committee had no official status in England. The Government of India, when the Sub-Committee went home, sent a recommendation that the Sub-Committee should be given every facility and that all the information they wanted should be laid before them. I think every member of the Sub-Committee would agree that that was done and that they were treated with the utmost courtesy in that respect. But a great part of the material laid before the Committee was laid before them by official representatives of His Majesty's Government, and it is entirely for the *Home Government to make or not to make the stipulation that that material should not be published.* They have as a matter of fact made a stipulation that it should not be published.

**Pandit Hirday Nath Kunzru :** Am I to understand that it was the British Government that stood in the way of the publication of the report of the Sub-Committee.

**Mr. G. M. Young :** There is no question of anybody standing in the way of the report being published. The Home Government laid the material before the Sub-Committee and stipulated that it should not be published.

**Mr. K. Ahmed :** Is it not a fact that last Session, with regard to the same subject, Government gave us to understand that they would publish it as early as possible ?

**Mr. G. M. Young :** No, Sir. Not the Sub-Committee's report.

**Mr. K. Ahmed :** Did not Sir Alexander Muddiman say something about it ? My Honourable friend Mr. Muhammad Ali Jinnah, who was a member of that Committee, put a question, whether it would be published as early as possible.

**Mr. R. K. Shanmukham Chetty :** The Honourable Member told us that the evidence placed before the Sub-Committee was of a confidential nature and therefore it was not published, but may we know why the report of the Sub-Committee itself was not published ?

**Mr. G. M. Young :** That does not really arise out of this question. There are questions on the paper about the publication of the report ; but I have already explained that the report of the Sub-Committee was not published for the reason that much of the material placed before it was placed before it on the stipulation that it should not be published. It would be impossible to publish the report piece-meal.

**Mr. K. Ahmed :** Sir, a supplementary question is a question which arises out of the question ; and this is certainly a supplementary question which arises out of the question. Under the Standing Orders and Rules of this Assembly the Honourable Member is bound to answer that question.

**Pandit Hirday Nath Kunzru :** May we know definitely whether the Home Government prohibited the publication of the report of the Sub-Committee ?

**Mr. G. M. Young :** There was no question of prohibition.

## ADOPTION OF THE 8-UNIT SCHEME FOR INDIANISATION OF THE ARMY IN INDIA.

53. \***Mr. K. C. Roy** : Will the Government be pleased to lay on the table of the House the correspondence leading to their decision regarding the adoption of the 8-unit scheme for Indianisation of the Army in India ?

**Mr. G. M. Young** : Government are not prepared to lay the correspondence on the table.

## COLOUR BAR AGAINST INDIANS IN EDINBURGH.

54. \***Mr. Gaya Prasad Singh** : (a) Is it a fact that several public restaurants and places of amusements in Edinburgh have recently issued orders prohibiting the admission of Indians or Asiatics into these institutions, merely on grounds of race or colour ?

(b) Is it a fact that this colour prejudice has affected the Edinburgh University as well, and that the Edinburgh Physiological Society has excluded Indian student members from the Society's annual social function, although, as members, they had every right to participate in it ?

(c) Is it a fact that Indian students are not admitted into the Edinburgh Royal Medical Society, although it is nominally open to all medical students ?

(d) Is it a fact that Indian students are not admitted into the University swimming baths at Drumsheugh Gardens, the University physical training activity, and the University boarding houses ?

(e) Is it a fact that Dr. Drummond, at a Conference of General Assemblies of the Church of Scotland, and the United Free Church of Edinburgh, said : " Those responsible for it were guilty of the grossest treachery to the British nation, and were doing something to undermine the stability of the Empire " ?

(f) Has any communication on this subject been received from the High Commissioner, and, if so, are Government prepared to lay it on the table ? What steps, if any, have been taken, or proposed to be taken, in the matter ?

**The Honourable Mr. J. Crerar** : (a) Yes.

(b), (c) & (d). There has never been discrimination of any kind against Indian students in any institution officially connected with the Edinburgh University.

(e) Government have seen a report to this effect in the Press.

(f) Government have received a report from the High Commissioner, who had special enquiries made. They do not propose to lay it on the table. The orders prohibiting the admission of Asiatics to certain places of public entertainment were withdrawn by all the establishments concerned on the 20th June as the result of action taken by the city authorities.

**Mr. Gaya Prasad Singh** : May I know if the orders were unconditionally withdrawn ?

**The Honourable Mr. J. Crerar** : To the best of my knowledge the orders were unconditionally withdrawn.

**Mr. K. C. Neogy** : Is it a fact that this infection at one time spread to Dundee, Aberdeen and Glasgow ?

**The Honourable Mr. J. Crerar :** I have no information that the infection spread to those other towns.

**Mr. K. C. Neogy :** Has the attention of the Honourable Member been drawn to the discussion on this subject which took place on the 31st May in the House of Commons in which this statement finds a place ?

**The Honourable Mr. J. Crerar :** I do not think that that actually arises out of the question. The question relates solely to particular orders which were in force in the city of Edinburgh. My inquiries have naturally been restricted to the city of Edinburgh.

**Mr. K. C. Neogy :** Will the Honourable Member kindly make inquiries in the matter ?

**The Honourable Mr. J. Crerar :** I shall certainly make further inquiries in the direction suggested by the Honourable Member.

#### POLICY OF SEGREGATION BETWEEN THE EUROPEANS AND ASIATICS IN KENYA.

55. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that the policy of segregation between the Europeans and Asiatics in Kenya was definitely abandoned by the White Paper of July 1923, issued by the British Cabinet, a clause of which says :

“ It is now the view of competent medical authorities that as a sanitary measure, the segregation of Europeans and Asiatics is not absolutely essential to the preservation of the health of the community ; a rigid enforcement of sanitary police and building regulations without any racial discrimination by Colonial and Municipal authorities will suffice.....They (His Majesty's Government) have therefore decided that the policy of segregation between Europeans and Asiatics in townships must be abandoned ” ?

(b) Are Government aware that on the 17th February 1927, the Earl of Clarendon, speaking in the House of Lords said :

“ The only statement which I can make at this moment on behalf of His Majesty's Government is that they adhere to the principles as laid down in the Kenya White Paper of 1923 ” ?

(c) Is it a fact that all the Asiatics residing in houses situated in Cliffe avenue area in Mombassa were notified by the Land Officer to vacate their premises before the end of March 1927, and similarly the Indian Landholders who had their houses rented to other Asiatics, were also notified to ask their tenants to vacate the premises forthwith, failing which the Government threatened to forfeit their leases, and that as a consequence they had no option but to comply with the requirement of the Government ?

(d) What steps have been taken, or are proposed to be taken, to enforce compliance with the non-segregation clause of the Kenya White Paper referred to in (a) above ; and to compensate those Indians who had to suffer loss ?

**Mr. G. S. Bajpai :** (a) and (b). Yes.

(c) Government have no information, but have made inquiries.

(d) I have nothing to add to the answers given to part (b) of the Honourable Member's Question No. 65 and Question No. 474 by Mr. Bhore last Session. The Government of India are still in communication with His Majesty's Secretary of State for India on the subject.



**Mr. Gaya Prasad Singh :** Will the result of the inquiry suggested in part (c) of the question be available to this House ?

**Mr. G. S. Bajpai :** That will be decided, Sir, when the correspondence is complete.

**Mr. K. C. Neogy :** May I draw the attention of the Honourable Member to the proceedings in the House of Commons, dated 17th July 1926, 29th July 1926 and 28th September 1926, in which he will find a reference to a matter allied to the subject-matter of question (c) ?

**Mr. G. S. Bajpai :** I have already, Sir, studied the proceedings to which the Honourable Member has referred, but that does not dispose of the fact that the Government of India are still in correspondence with His Majesty's Secretary of State with a view to seeing if possible that the principle involved in the residential restrictions to which Asiatics in Mombassa are to be subjected will not be given effect to.

**Mr. Gaya Prasad Singh :** May I know if the inquiry to which the Honourable Member refers was instituted after I sent in notice of the question ?

**Mr. G. S. Bajpai :** No, Sir, the inquiry was instituted before the Honourable Member sent in notice of his question.

#### GRIEVANCES OF DECK PASSENGERS ON STEAMERS OF THE BRITISH INDIA STEAM NAVIGATION COMPANY.

56. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to an article published in the *African Comrade* (Dares-Salaam), dated the 4th May 1927, regarding the horrible condition of deck passengers in the British India Steam Navigation Company steamers?

(b) Will Government kindly state if they have enquired into the complaints, and how far they are true ; and what steps have been taken to remedy them ?

(c) What have Government done on the Report of the Deck Passengers' Committee ?

**The Honourable Sir George Rainy :** (a) Government have seen the article.

(b) and (c). The question of improving the existing conditions of deck passenger traffic was investigated by the Deck Passengers' Committee. Draft amendments to the rules dealing with the more important recommendations of the Committee were published in June and July 1925, and the opinions received thereon are now under consideration. The question of accommodation, however, which is closely connected with the provision of adequate life-saving appliances, is complex and technical, and the Government of India have found it difficult to come to a conclusion without expert advice. As the Honourable Member is no doubt aware, the Government of India have decided to transfer the administration of the Merchant Shipping Acts from Local Governments to the direct control of the Commerce Department of the Government of India, which will be advised by an adequate technical staff. As some time must still elapse before the necessary legislation can be passed, the Government of India are considering the desirability of obtaining the services of a qualified Ship Surveyor, as a temporary measure during

the forthcoming cold weather, specially to examine the technical questions connected with deck passenger accommodation and life-saving appliances, in order that the Government of India may arrive at a conclusion without further delay.

**PAUCITY OF RECRUITS FOR THE ARMY FROM BIHAR AND ORISSA.**

**57. \*Mr. Gaya Prasad Singh :** (a) With reference to the statement furnished by Government, in reply to starred question No. 25 of 27th January 1927, will the Government kindly give reasons for the paucity of recruits for the Army from Bihar and Orissa ?

(b) Will Government kindly lay on the table a copy of the latest instructions for recruitment from Bihar and Orissa ?

**Mr. G. M. Young :** (a) Recruitment has been discontinued in the Province of Bihar and Orissa owing to the reductions in the strength of the Indian Army since the War.

(b) There are no special recruiting regulations for the Province of Bihar and Orissa. A copy of the Recruiting Regulations for the Indian Army will be found in the Library.

**Mr. Gaya Prasad Singh :** Has recruiting been discontinued in any other province ?

**Mr. G. M. Young :** I must ask for notice of that question.

**Mr. Ram Narayan Singh :** Are the Government prepared to say that they are not going to resume recruitment from Bihar again and have postponed it once for all ?

**Mr. G. M. Young :** They have postponed it for the present, Sir. They have no further intentions in the matter at present.

**Mr. Ram Narayan Singh :** Are Government considering the question whether they will resume recruitment from Bihar again ?

**Mr. G. M. Young :** They are not considering resuming it now.

**Mr. Ram Narayan Singh :** Have they postponed it once for all ?

**SAFETY OF THE ROOF OF THE LEGISLATIVE ASSEMBLY CHAMBER IN NEW DELHI.**

**58. \*Mr. Gaya Prasad Singh :** (a) Will the Government kindly state what steps have been taken, or are going to be taken, in connection with the roof of the Legislative Assembly building in New Delhi, from which a brick fell down while the Assembly was sitting ?

(b) Has the building been examined by experts, and found to be quite safe ? Who are the experts who examined the building ?

(c) What alterations, if any, have been made therein ; and at what cost ? Is there any proposal of putting another storey on the building ; and if so, why ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The ceiling of the Assembly Chamber has been carefully examined and tested by the engineers in charge of the building. Although this examination has revealed the presence of no more loose tiles, it is considered desirable to keep the ceiling under observation for some time. It is proposed

accordingly to fix, and retain during this observation period, fine wire netting below the ceiling.

(b) Yes, by Mr. Rouse, Chief Engineer, Delhi, and by Mr. Brebner, Superintending Engineer, Simla. Both are of opinion that the building will be quite safe once the wire netting referred to above has been placed in position.

(c) No alterations have been made. It is proposed to add, when required, an additional storey which forms part of the original complete design of the building.

**Mr. R. K. Shanmukham Chetty :** May I know, Sir, what offices will be located in that storey when it is completed ?

**The Honourable Sir Bhupendra Nath Mitra :** No final conclusions on that subject have yet been arrived at.

**Mr. R. K. Shanmukham Chetty :** Is there any proposal, Sir, to locate any offices which are not connected either with the Legislative Department or with the Indian Legislature in that storey ?

**The Honourable Sir Bhupendra Nath Mitra :** As I have already said, no conclusions have yet been arrived at.

**Sir Hari Singh Gour :** May I know what is the object of adding another storey when the Government have no idea of the use they are going to make of it ?

**The Honourable Sir Bhupendra Nath Mitra :** I have already given the information in my answer. I will read from my answer again as the Honourable Member was apparently not listening. "It is proposed to add, when required, an additional storey which forms part of the original complete design of the building." That third storey was part of the original design, but Government does not propose to put it up until they are satisfied that it is required.

**Sir Hari Singh Gour :** Does that imply that there is no immediate prospect of the additional storey being added to the building ?

**The Honourable Sir Bhupendra Nath Mitra :** I am not in a position to supplement in any way the full answer which I claim I have already given to the House.

**Sir Hari Singh Gour :** May I beg to inquire if the addition of the third storey would depend upon the development of cracks ?

**The Honourable Sir Bhupendra Nath Mitra :** I can assure my Honourable friend that the addition of a third storey has nothing to do with the cracks.

**Sir Hari Singh Gour :** Is the Honourable Member quite sure that it will not operate upon the cracks already existing ?

**Mr. Gaya Prasad Singh :** May I know why the idea of a third storey was included in the original plan when Government had no idea of the use to which they could put the third storey ?

**The Honourable Sir Bhupendra Nath Mitra :** I have already made the position as clear as it was possible for me to do. It is the architects who provided the third storey in their design. Government cannot arrive at any final decision about putting up the third storey until they have come to a definite conclusion that that storey is required.

**Sir Hari Singh Gour :** May I ask if the intention of adding a third storey is to obscure the dome which is already only partially visible ?

LOCATION OF TROOPS IN MUZAFFARPUR.

59. **\*Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 60 of the 23rd January 1925, regarding the location of troops in Muzaffarpur, will Government be pleased to enumerate the "local disturbances", and "threats of local disturbances", referred to in the reply of the Government, together with the dates on which, as well as the places where, such disturbances actually took place, or were threatened ?

(b) What is the evidence in possession of Government to show that the "local police by themselves could not adequately cope with" such disturbances or threats ?

(c) Is there anything on record to show that the local police made any application for troops ? If not, how did the Government come to know that the local police "could not adequately cope with" such disturbances or threats ?

**Mr. G. M. Young :** (a) My Honourable friend will find a full answer to his question in Chapter VII of the publication entitled "Bihar and Orissa in 1921", a copy of which I shall be happy to lend him.

(b) and (c) The Government of India have no detailed information on these points. As my predecessor repeatedly explained on previous occasions, troops were posted to Muzaffarpur solely at the request of the Local Government. This request would not have been made if the local police by themselves had been able to cope with the situation.

LOCATION OF TROOPS IN MUZAFFARPUR.

60. **\*Mr. Gaya Prasad Singh :** Is it the case of the Government that the burning of the Chantarwa Factory in the District of Champaran, and the incident at Chauri Chaura in the United Provinces are responsible for the decision to locate troops permanently in Muzaffarpur ?

**Mr. G. M. Young :** The attention of the Honourable Member is invited to the answer given on the 23rd January 1925 to his question No. 60.

**Mr. Gaya Prasad Singh :** Will Government kindly repeat that answer ? Is it before the Honourable Member ?

LOCATION OF TROOPS IN MUZAFFARPUR;

61. **\*Mr. Gaya Prasad Singh :** (a) Is it not a fact that the decision to retain troops permanently in Muzaffarpur was arrived at before the 24th January 1922, as is evident from the following reply given by the Government of Bihar and Orissa in the local Legislative Council, on the above date :

"One Company of British troops has been sent to Muzaffarpur. They have been sent with the knowledge and approval of Government. Government are not aware that any panic has been caused by the presence of the troops ; and they do not propose to withdraw them" ?

(b) If so, will the Government kindly explain how they have now come to state in reply to my question No. 62 of the 23rd January 1925 that "the formal decision of the Government of India to retain troops permanently at Muzaffarpur, was dated the 4th April 1922, on which date His Excellency Sir Henry Wheeler was Governor of Bihar and Orissa"?

(c) Has the attention of the Government been drawn to an official publication, entitled "Bihar and Orissa" (First Decennial Review, 1912—22), at page 111, where it is stated that His Excellency Sir Henry Wheeler assumed charge of the Governorship of Bihar and Orissa on the 12th April 1922?

**Mr. G. M. Young :** (a) The reply given in the Bihar and Orissa Legislative Council correctly stated the attitude of the Local Government at the time that the reply was given.

(b) and (c) The reply given to question No. 62, dated the 23rd January 1925, stated the date of the subsequent formal decision of the Government of India to retain the troops permanently at Muzaffarpur. This reply also was correct. The statement that Sir Henry Wheeler was Governor of Bihar and Orissa was not quite correct. Sir Henry Wheeler did not actually take over charge from Sir Hayilland Le Mesurier until the 12th April, as my Honourable friend observes.

#### LOCATION OF TROOPS IN MUZAFFARPUR.

62. **\*Mr. Gaya Prasad Singh :** Is it not a fact that in March 1922 the Government of Bihar and Orissa addressed a communication to the Government of India, in connection with the troops in Muzaffarpur ; and will the Government be pleased to lay a copy of this on the table ?

**Mr. G. M. Young :** The answer to the first part of the question is in the affirmative. As regards laying the correspondence on the table, the Honourable Member is referred to the statement which I made on the 15th March last when speaking on his motion on the same subject.

#### TRAINING OF APPRENTICES IN STEEL SMELTING IN THE JAMALPUR WORKSHOPS.

63. **\*Mr. Ganganand Sinha :** Will the Government be pleased to state the number of Indians, Europeans and Anglo-Indians separately who have been taught steel smelting in the Jamalpur Workshops year by year during the last 5 years ? How many apprentices of each of these communities are learning the subject just now ? Why are not a larger number of Indians taught the subject ?

**Mr. A. A. L. Parsons :** Government understand that no apprentices have been taught steel smelting in the Jamalpur Workshops during the last 5 years nor are any learning the subject at present.

The steel foundry at Jamalpur is too small to provide a really thorough training for apprentice steel smelters.

#### CASE OF MR. TARAGATI BANERJEE, LATE AN APPRENTICE IN THE JAMALPUR WORKSHOPS.

64. **\*Mr. Ganganand Sinha :** (a) Is it not a fact that one Mr. Taragati Banerjee was an apprentice in the Jamalpur Workshops, and got a State scholarship for further studies in Europe ?

(b) Is it not a fact that he was refused an appointment on his return to this country after having duly qualified as an engineer ?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to state reasons for the same ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). Mr. Taragati Banerjee was employed as an apprentice in the Jamalpur Workshops but severed his connection with the Railway in 1923 and proceeded for further training to the United Kingdom on a Government of India scholarship. On his return to India in 1926 he applied for a post in the Railway Department, but there was no vacancy. The Railway Department had given no undertaking to him to employ him on his return from England.

#### TRAINING OF INDIANS IN DRAWING IN THE JAMALPUR WORKSHOPS.

65. **\*Mr. Ganganand Sinha :** (a) Is it not a fact that Indian apprentices in the Jamalpur Workshops do not get the same facilities for learning drawing in the drawing office as European or Anglo-Indian apprentices ?

(b) Is it not a fact that students of the Mechanical and Technical Engineering course have much to depend on their drawing ?

(c) If the answers to (a) be in the affirmative, will the Government be pleased to state the reasons for the same ?

**Mr. A. A. L. Parsons :** (a) No.

(b) Yes.

(c) Does not arise.

#### PROVISION OF QUARTERS FOR INDIAN APPRENTICES OF THE JAMALPUR WORKSHOPS.

66. **\*Mr. Ganganand Sinha :** (a) Is it a fact that a European and Anglo-Indian employee in the Jamalpur Workshops is invariably provided with quarters and Indians are generally denied the facility ?

(b) Is it not a fact that at present almost all European employees at the Jamalpur Workshops standing in need of quarters are provided with them, whereas only one Indian is allotted a quarter ?

(c) If the answers to (a) and (b) are in the affirmative, will the Government be pleased to state reasons for the same ?

**Mr. A. A. L. Parsons :** Quarters are provided in Jamalpur for European and Anglo-Indian employees with the exception of local men, since otherwise there will be no suitable accommodation for them. It is not a fact that Indians who are similarly situated in the workshops are generally denied the same facility or that only one Indian is at present allotted a quarter. In fact 17 Indians are at present residing in quarters originally built for the occupation of European and Anglo-Indian staff.

#### DIFFERENTIAL TREATMENT OF INDIAN APPRENTICES IN THE JAMALPUR WORKSHOPS.

67. **\*Mr. Ganganand Sinha :** Have Government made any inquiry to ascertain whether Indian apprentices in the Jamalpur Workshops are

treated differently to European and Anglo-Indian apprentices in several ways ? If so, when and with what results ? If not, why ?

**Mr. A. A. L. Parsons :** The Government of India enquired into this matter both in 1926 and 1927 in response to a series of questions which were put in the Council of State on the 26th February 1926, the 1st March 1926, and the 22nd February 1927. If the Honourable Member wishes, I will send him the latest detailed information ; but the result of the investigation has been that there is now no difference in the treatment of Indian, European, and Anglo-Indian apprentices in the Jamalpur Workshops.

**Kumar Gangananand Sinha :** I should like to have the Report.

#### RELATION OF THE GOVERNMENT TO THE ASSAM BENGAL RAILWAY.

68. **\*Mr. Anwar-ul-Azim :** Will the Government in the Department of Railways be pleased to state what is the relation of the Government to the Assam Bengal Railway ?

**Mr. A. A. L. Parsons :** The relations of the Secretary of State to the Assam Bengal Railway are governed by the terms of the various contracts with the Assam Bengal Railway Company, copies of which are in the Library.

#### WORKING CAPITAL OF THE ASSAM BENGAL RAILWAY. ETC.

69. **\*Mr. Anwar-ul-Azim :** Will the Government be pleased to state what is the working capital of the Assam Bengal Railway Company, what is the total number of staff, under the head "Administration" for whom 31,50,000 rupees have been voted in the years 1927 and 1928 ?

**Mr. A. A. L. Parsons :** The capital provided by the Assam Bengal Railway Company, which is, I think, what the Honourable Member wishes to know, is £1,500,000. The number of superior appointments, whose cost is charged to the head Administration, is shown in Statement D in the Pink Book of the Assam Bengal Railway. Government are not aware of the exact number of subordinate appointments charged to this head, but it is about 1,600.

#### MUSSALMAN EMPLOYEES OF THE ASSAM BENGAL RAILWAY.

70. **\*Mr. Anwar-ul-Azim :** Will the Government be pleased to state what is the total number of Mussalman employees under the Assam Bengal Railway who get their wages and salaries from the Statement A, in page 6 of the A. B. Railway Budget ? (Pink Book.)

**Mr. A. A. L. Parsons :** I would refer the Honourable Member to Appendix F in Volume I and Appendix C in Volume II of the Railway Board's Report on Indian Railways for 1925-26, which gives the only statistics of communal representation that are collected. I may add that the form in which these statistics are collected was settled with the advice and concurrence of the Central Advisory Council for Railways.

**Mr. K. Ahmed :** Are Government aware that since the statement made by His Excellency the Viceroy, Lord Reading, in the month of December in the year 1924 or 1925, the Government are sitting tight on the matter ?

**Mr. A. A. L. Parsons :** No, Sir.

**Mr. K. Ahmed :** Do I understand the Honourable Member by the word ' No ' to mean that he did not look at the statement made by Lord Reading in 1924 or 1925, or do I understand that Government have not given effect to that statement ?

**Mr. A. A. L. Parsons :** I meant that Government are not sitting tight.

**Mr. K. Ahmed :** Is it not a fact that the Government are not only sitting tight but that they are charged, on account of the exceptionally slow manner in which they carry out the affairs of the Government, with insufficient intelligence to carry out the policy, and they disqualify themselves thereby ?

#### APPOINTMENT OF MUSSALMANS ON THE ASSAM BENGAL RAILWAY.

71. **\*Mr. Anwar-ul-Azim :** Will the Government be pleased to state whether they have any circular, or rule with regard to the appointment of Mussalmans in the Assam Bengal Railway ?

**Mr. A. A. L. Parsons :** The Government of India have issued no special instructions on this subject to the Assam Bengal Railway Administration, but their policy of preventing the preponderance of any one class or community in the services under their control has been communicated to all Company-managed Railways as well as to State-managed Railways.

#### REDUCTIONS ON THE ASSAM BENGAL RAILWAY.

72. **\*Mr. Anwar-ul-Azim :** (a) Will the Member in charge of the Department of Railways be pleased to state whether the reduction of the Assam Bengal Railway Budget is solely to be distributed amongst the Indian employees of the said Railway Company ?

(b) Will the Government be pleased to state whether the Assam Bengal Railway would inform this Assembly of the procedure they adopted in meeting that reduction of Rs. 50,000 ?

(c) Who are these people that have come under this reduction—their length of service, age, and religion ?

**Mr. A. A. L. Parsons :** (a) No.

(b) and (c). I am sending the Honourable Member a copy of the letter which we have sent to Railway Administrations about the desirability of securing economy in administrative charges. He will see from it that no specific appointments have been suggested for reduction. It has been left to Agents to investigate what improvements in administrative machinery and consequent alterations in administrative staff can be carried out.

#### POWERS OF CONTROL OF THE AGENT, ASSAM BENGAL RAILWAY.

73. **\*Mr. Anwar-ul-Azim :** Will the Government be pleased to state what power, if any, the Agent exercises over the other Departments of the Assam Bengal Railway Administration ?



**Mr. A. A. L. Parsons :** The Agent exercises full control either directly or through his principal officers over all Departments of the Railway.

**Mr. K. Ahmed :** Is it not a fact, Sir, that in this Assembly the same Honourable Mr. Parsons has given an answer that the Member should go and ask for a reply from the Agent, who has not to face the Members of this Assembly here, and thus the Members get nothing from them, and that the Government have been debarring the Members of this Assembly, without any rhyme or reason, and without any justification whatever, from the protection of the Rules and Standing Orders of this Assembly ? Do Government now propose to answer these questions or, in the alternative, bring the Agents to this Assembly to meet the Members here ? Is not the Honourable Member responsible in the name of the Government for any question that is put to him, and is it not the case that he must give an answer and not the Agent who, he says, has got the controlling power ?

**Mr. A. A. L. Parsons :** I think my Honourable friend has not read the question which I have just been asked. I was asked whether the Agent had control or what control he had over the Departments of his Railway, and I gave the reply that he exercised full control.

**Mr. K. Ahmed :** My supplementary question arises out of that. Is it not a fact that Mr. Parsons gave a reply that we should look for the reply to the Agent and not to the Honourable Member or the Government here ? Is this not contrary to the Standing Rules and Orders of this Assembly that the Government are not giving answers to the Members of this Assembly ?

#### QUALIFICATIONS OF OFFICERS OF THE ASSAM BENGAL RAILWAY.

74. **\*Mr. Anwar-ul-Azim :** What are the qualifications of the officers of the Assam Bengal Railway whose salaries are described in page 9 of the Assam Bengal Railway Budget for 1927-28. (Pink Book) ?

**Mr. A. A. L. Parsons :** It is quite impossible to enumerate the qualifications of forty-nine officers within the limits of a reply to a question, but the Honourable Member may rest assured that the Board of Directors of the Assam Bengal Railway Company, with whom appointments to these posts lie, satisfy themselves, before appointing any person to their service, that he will be competent to perform the duties likely to be entrusted to him.

#### ALLEGED NEPOTISM ON THE ASSAM BENGAL RAILWAY.

75. **\*Mr. Anwar-ul-Azim :** How old is Babu J. R. Guha the Assistant Auditor, now acting as Deputy Auditor ? How many relations of his have been provided for by him during the time he has been acting in the Audit Department ? For how long has he been President of the Dacca Hindu Sabha ?

**Mr. A. A. L. Parsons :** Government understand that Rai Sahib J. R. Guha is 54 years of age. They have no information with regard to the latter parts of the question.

#### CHIEF OR HEAD CLERKS EMPLOYED ON THE ASSAM BENGAL RAILWAY.

76. **\*Mr. Anwar-ul-Azim :** How many Chief or Head Clerks are there in various Departments of the Assam Bengal Railway, and how many of them are Hindus, Anglo-Indians and Mussalmans ?

**Mr. A. A. L. Parsons :** Government have no information as to the representation of the various communities in individual posts, but, as showing how communal representation stands on the Assam Bengal Railway as a whole, I would refer the Honourable Member to Appendix F in Volume I and Appendix C in Volume II of the Railway Boards Report on Indian Railways for 1925-26.

# ALLEGATIONS AGAINST CHIEF OR HEAD CLERKS EMPLOYED ON THE ASSAM BENGAL RAILWAY.

**77. \*Mr. Anwar-ul-Azim :** Will the Government be pleased to state whether it is not a fact that a subordinate employee of the Assam Bengal Railway cannot approach the Head of the Department concerned, without first courting the favour of the Chief or Head Clerks, who are mostly Hindus? How many Chief or Head Clerks are there at the General Offices at Pahartali and Chittagong, and what revenue district do they belong to?

**Mr. A. A. L. Parsons :** The reply to the first part of the question is in the negative.

As regards the second part, Government have no information.

# EMPLOYMENT OF MUSSALMANS ON THE ASSAM BENGAL RAILWAY.

**78. \*Mr. Anwar-ul-Azim :** Will the Government be pleased to state whether it is the intention of the Assam Bengal Railway authorities to debar Mussalmans from employment in future? How many vacancies have been filled up during the last three years, under the head "Administration" and how many of them have been offered to Mussalmans?

**Mr. A. A. L. Parsons :** The reply to the first part of the question is in the negative.

The number of vacancies filled during the last three years and the number filled by Mussalmans are as follows :

	Appointments made.		Filled by Mussalmans.
1924-25	..	2	Nil.
1925-26	..	7	Nil.
1926-27	..	12	2

**Mr. K. Ahmed :** Are Government aware that their intention of not giving employment to Muslims is in contravention of the terms of the statement made by His Excellency the Viceroy in the month of December 1924 or 1925? Government have just stated that their intention is not to appoint a sufficient number of Muhammadans in future, and is the Honourable Mr. Parsons representing the Railway Department aware that it is in contravention of the terms stated by His Excellency the Viceroy in reply to the address given to him in the month of December 1924 or 1925 at Belvedere?

**Mr. A. A. L. Parsons :** I made no statement whatsoever to the effect that it is not the intention of Government to appoint Muhammadans.

**Mr. K. Ahmed :** Is not the answer given in the negative, that Government's intention is not to appoint a sufficient number of Muhammadans? Does the Honourable Member understand the text of his reply? (Laughter.)

# APPOINTMENT OF TRAVELLING TICKET EXAMINERS AND TRAVELLING INSPECTORS OF ACCOUNTS ON THE ASSAM BENGAL RAILWAY.

79. \*Mr. Anwar-ul-Azim : Will the Government be pleased to state how many Travelling Ticket Examiners and Travelling Inspectors of Accounts have been appointed by the Assam Bengal Railway during the year ending 31st May 1927 ? What are their qualifications, and how many of them are Moslems and how many are Dacca people, and how many are relations of Babu J. R. Guha and the Chief Clerk ?

Mr. A. A. L. Parsons : 17 Travelling Ticket Examiners were appointed, of whom 3 were Moslems.

4 Travelling Inspectors of Accounts were appointed, of whom none were Moslems.

Government have no information as regards the other parts of the question.

Mr. K. Ahmed : Who has got the information ? Is it the Agent who is not here ? The Honourable Member is supposed to get information to justify his seat in this House, that he occupies on behalf of the Government, and to serve the country as well.

Mr. A. A. L. Parsons : Government are not prepared ordinarily to obtain information in answer to questions which contain insinuations unsupported by evidence on the character of one of their officers.

Mr. K. Ahmed : If Government do not know whether there are insinuations against the character of their officers, it may be for the preservation and protection of the character of the Government officials to get information. If they do not take steps to know about the affair, how can they justify themselves in answering that this is the position, and how are we to know about it ?

## PROVISION OF QUARTERS FOR THEIR EMPLOYEES BY THE ASSAM BENGAL RAILWAY.

80. \*Mr. Anwar-ul-Azim : Will the Government be pleased to state whether the Assam Bengal Railway Company is bound to find pucca bungalows on the hill tops for all kinds of their employees ?

Mr. A. A. L. Parsons : No.

## RAISING OF THE PORT OF CHITTAGONG TO A MAJOR PORT, ETC.

81. \*Mr. Anwar-ul-Azim : (a) Will the Government be pleased to state whether they have any proposal pending decision, with regard to raising Chittagong Port to a major port ?

(b) What relation, if any, exists between the Assam Bengal Railway and the Port authorities at Chittagong ?

The Honourable Sir George Rainy : (a) The Honourable Member has doubtless seen the statement recently made by His Excellency the Governor of Bengal at Chittagong which has been reported in the Press. The Government of India are prepared to declare Chittagong a major port as soon as the necessary legislation can be undertaken so as to transfer the statutory authority from the Local Government to the Governor General in Council.

(b) The Agent of the Assam Bengal Railway is *ex-officio* one of the Commissioners for the port of Chittagong under the Chittagong Port Act, 1914.

# UNNECESSARY EXPENDITURE ON MASONRY BUILDINGS BY THE ASSAM BENGAL RAILWAY.

82. \***Mr. Anwar-ul-Azim** : (a) Will the Government be pleased to state what sum of money has been spent by the Assam Bengal Railway in making masonry buildings, and with what outturn during the last five years ?

(b) Will the Government be pleased to state whether they have any hand in controlling the unnecessary expenditure of this Railway ?

**Mr. A. A. L. Parsons** : (a) Rs. 10½ lakhs. Quarters are also under construction to the value of Rs. 5¼ lakhs. A large proportion is for staff who are allowed rent-free quarters. The return on the rent-paying completed quarters is Rs. 20,300 per annum.

(b) There has been no unnecessary expenditure.

# ASSAM BENGAL RAILWAY BUILDINGS IN CHITTAGONG.

'83. \***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether or not the Assam Bengal Railway buildings in Chittagong are within the municipal limits, and are contained in one holding ? If so, will the railway authorities let this Assembly know what amount they spend every year in repairs to their lanes, and in lighting them ? Do they receive a proportionate reduction in their bill for making these arrangements ?

**Mr. A. A. L. Parsons** : The buildings in question are situated within the municipal limits and are contained in one holding. The expenditure incurred annually by the railway administration on repairs to, and lighting the lanes in, the area amounts to Rs. 8,000 approximately. The Railway administration is not allowed any reduction in municipal taxation for making these arrangements.

# THE ASSAM BENGAL RAILWAY COTTAGE HOSPITAL AT CHITTAGONG.

84. \***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what is the institution called " The Cottage Hospital " within the Railway holdings in the town of Chittagong ? At what annual expenditure is that institution run by the Railway Company and for whose benefit ? What are the number of patients treated annually and the staff therefor ? How many beds are there for in-door patients ? Is this institution open to all the employees of the Assam Bengal Railway Company living in and near about the town of Chittagong ?

**Mr. A. A. L. Parsons** : The Cottage Hospital at Chittagong is a small hospital, costing about Rs. 11,000 annually, run by the Assam Bengal Railway Company for the benefit of railway employees and their families. It has a staff of eleven, and treats about 135 patients annually. Out-door treatment is given to all employees of the Assam Bengal Railway Company. The eight beds for in-door patients are reserved for officers of all communities and their families, and for European or Anglo-Indian subordinates and their families.

**Mr. K. Ahmed :** Are Government aware that the number of in-door patients treated there at the expense of the State is greater for the community than for Indians, considering their ratio and proportion in the service ?

**Mr. A. A. L. Parsons :** I am not aware of that fact, Sir.

**Mr. N. M. Joshi :** May I ask why a distinction is made between European and Anglo-Indian subordinates and Indian subordinates ? The answer showed that Indian subordinates are not allowed to be in-door patients in the hospital.

**Mr. A. A. L. Parsons :** I expect the reason is, Sir, that there is other hospital accommodation in Chittagong for them, and, since there are only eight beds in the Railway Hospital, these are not probably enough for all communities. But I am prepared to bring to the notice of the Assam Bengal Railway what I understand to be my Honourable friend's suggestion, namely, that there should be no distinction between communities in the matter.

**Mr. K. Ahmed :** Do Government propose to change the reply ? The Honourable Member now admits that he made an incorrect statement in the beginning.

#### ADVERTISING OF VACANCIES ON THE ASSAM BENGAL RAILWAY.

85. \***Mr. Anwar-ul-Azim :** (a) Will the Government be pleased to state whether vacancies are advertised by the Assam Bengal Railway Company and what is the percentage of their employees in the Chittagong offices who belong to the revenue district of Chittagong ?

(b) Will the Government be pleased to state whether they are prepared to pass some such orders by which qualified outsiders too (not relations of the Bara Babu) will have a chance of serving the Company on the policy of justice and fair play ?

(c) Will the Government be pleased to state whether any educational test is required by the Assam Bengal Railway Company in taking recruits into their employ ?

**Mr. A. A. L. Parsons :** (a) As regards the first part of the question, the Departments maintain lists of applicants and as in most cases candidates are on the waiting lists when vacancies arise, it is not considered necessary to advertise as a general rule. As regards the second part, Government have no information.

(b) There is no reason to believe that the allegation made in the Honourable Member's question has any substance and Government are not prepared to address the Assam Bengal Railway on the subject.

(c) No. But applicants are interviewed by the officers and they are not appointed unless they are found fit for the posts.

#### QUALIFICATIONS OF AUDITORS, DEPUTY AUDITORS AND ASSISTANT AUDITORS ON THE ASSAM BENGAL RAILWAY.

86. \***Mr. Anwar-ul-Azim :** (a) Will the Government be pleased to state how many of the Auditors, Deputy Auditors, and Assistant Auditors in the Assam Bengal Railway Head Office at Chittagong, are chartered accountants, or have passed any other recognised examinations ?

(b) What tests do the Government of India apply in making similar appointments under their disposal ?

**Mr. A. A. L. Parsons :** (a) One Assistant Auditor is a chartered accountant and another before his appointment to the Assam Bengal Railway was an Assistant Audit Officer in the Finance Department and has passed all the necessary qualifying examinations prescribed by Government for that appointment.

(b) Competitive examinations are held by the Finance Department for the Indian Audit and Accounts Service.

#### TRAVELLING AND HALTING ALLOWANCES OF OFFICERS ON THE ASSAM BENGAL RAILWAY PROVIDED WITH SALOONS.

87. \***Mr. Anwar-ul-Azim :** Will the Government be pleased to state whether the officers in the employ of the Assam Bengal Railway, who are provided with saloons, are entitled to travelling allowances and halting allowances as well ?

**Mr. A. A. L. Parsons :** They are entitled to a night allowance when absent from headquarters at mid-night, but not to travelling allowance.

#### LEAVE RULES OF THE ASSAM BENGAL RAILWAY.

88. \***Mr. Anwar-ul-Azim :** Will the Government be pleased to state what facilities the Assam Bengal Railway allow their employees in the matter of leave ? Do they follow the C. S. R., or have they got any other code of their own ?

**Mr. A. A. L. Parsons :** The Assam Bengal Railway have their own leave rules.

#### NUMBER OF STATIONS WITH RAISED PLATFORMS ON THE ASSAM BENGAL RAILWAY.

89. \***Mr. Anwar-ul-Azim :** (a) How many stations of the Assam Bengal Railway have got raised platforms ?

(b) What facilities, if any do they afford to female and invalid passengers in getting into the trains, where they have no platform coming up to the steps of the train ?

**Mr. A. A. L. Parsons :** (a) The Assam Bengal Railway have raised platforms at seven stations.

(b) The steps which are fixed to the sides of all coaching vehicles are considered sufficient.

#### BUNGALOW AT DHOOM STATION ON THE ASSAM BENGAL RAILWAY.

90. \***Mr. Anwar-ul-Azim :** Will the Government be pleased to state with what object in view a bungalow has been built at Dhoom station on the Assam Bengal Railway and at what cost ? Who does the catering in that bungalow ? For how long do the trains stop there ?

**Mr. A. A. L. Parsons :** The bungalow was built as a refreshment room at a cost of Rs. 4,741, including outhouses and furniture.

The catering is done by Messrs. Framjee and Co.

Trains are booked to stop from 4 to 12 minutes, but if meals are required they are detained. The refreshment room was opened in September 1926, but the time-table has not been altered to allow full time for meals pending further experience of the trains for which meals are in demand.

**Mr. Anwar-ul-Azim :** Will the Honourable Member in charge of Railways please tell us if any of the trains reach Dhoom station at any meal time ?

**Mr. A. A. L. Parsons :** I am afraid I must ask for notice of that question. I have not got the time table here.

#### APPEALS AGAINST DISMISSALS OF EMPLOYEES OF THE ASSAM BENGAL RAILWAY.

91. **\*Mr. Anwar-ul-Azim :** What procedure, if any, do they follow on the Assam Bengal Railway in dismissing a man from their employ ? Who is the final court of appeal against orders of such dismissals ?

**Mr. A. A. L. Parsons :** If the Honourable Member will let me know the class of employees to whom he refers, I will see if I can obtain the information for him.

**Mr. K. Ahmed :** Have not the Government of India already answered in the last Session that they will not interfere with the dismissal of an officer who sends a petition or memorial to the Government of India or to the Secretary of State unless it comes through the Agent, who has already disposed of the matter ? The Members of the Assembly who are here to criticise the action of the Agent and compel the Government of India to give suitable answers are debarred from doing so. Is there no practice or procedure followed in other countries indicating how they uplifted the condition of the employees and does it not show that the Government of India are not working the Reforms and are interfering with them ?

**Mr. President :** Order, order. I have considerable sympathy with the Honourable Member's point of view, but this is not the occasion to raise a debate on that question. The Honourable Member can legitimately do so by a Resolution.

#### LOCAL ADVISORY COMMITTEE OF THE ASSAM BENGAL RAILWAY AT CHITTAGONG.

92. **\*Mr. Anwar-ul-Azim :** Will the Government be pleased to state in what matters the Assam Bengal Railway consults the Local Advisory Committee at Chittagong ? Are the recommendations of these advisors considered by the Agent and his subordinates ?

**Mr. A. A. L. Parsons :** For the type of questions on which the Agent may consult his Local Advisory Committee, I would refer the Honourable Member to the reply given to Mr. Kamat's question No. 376 on the 19th February 1923. From a perusal of the summaries of Proceedings of the Committee (copies of which are in the Library) I find that he has in the past year actually consulted the Committee on such diverse subjects as :

Train timings.

Additional trains.

Through carriages.

Dining cars.

Waiting accommodation.

Sidings.

Branch lines.

Goods sheds.

Delays in transit.

Return tickets.

Platform tickets.

Rates.

(Conditions of booking and delivery of consignments.

That is not an exhaustive list.

I am sure he pays much attention to the advice he receives from his Committee.

#### EMPLOYMENT OF A MUSSALMAN OR CHRISTIAN STATION MASTER AT SITAKUND ON THE ASSAM BENGAL RAILWAY.

93. \***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what objection there is, legal or otherwise, to placing a Mussalman or Christian station master at Sitakund on the Assam Bengal Railway in the Chittagong District ?

**Mr. A. A. L. Parsons** : There can be no legal objection to placing a Mussalman or Christian station master in charge of Sitakund station on the Assam Bengal Railway ; but as Sitakund is a most important shrine to the Hindus, as evidenced by the *mela* held there and the number of people coming to these *melas* by rail, it is generally considered good policy to place a Hindu station master in charge of this station.

#### MOSLEM CLERKS AND MENIALS EMPLOYED ON THE ASSAM BENGAL RAILWAY.

94. \***Mr. Anwar-ul-Azim** : Will the Government be pleased to state how many clerks and menials there are in the whole of the Assam Bengal Railway system ? And what is the percentage of the Moslems therein ?

**Mr. A. A. L. Parsons** : I would refer the Honourable Member to Appendix C in Volume II of the Railway Board's Report on Indian Railways for 1925-26 which gives all the information in the possession of Government.

#### REMEDIES FOR THE DEFECTS AND WASTE IN THE ADMINISTRATION OF THE ASSAM BENGAL RAILWAY AND OTHER RAILWAYS.

95. \***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether the members of the Central Advisory Board for Railways have any power, by virtue of their office, to inquire into and suggest remedies for the defects and waste in the administration of the Assam Bengal Railway and other railway systems in India ?

**Mr. A. A. L. Parsons** : The reply is in the negative.



# TRIAL FOR SEDITION OF CERTAIN INDIAN RESIDENTS OF SHANGHAI.

96. \*Mr. Gaya Prasad Singh : (a) Are Government aware that action for sedition has recently been brought against a few Indian residents of Shanghai, who are members of the Indian Nationalist Committee, and that several of them have been arrested ?

(b) Will Government be pleased to make a statement on the subject, giving the number of Indians arrested, the summary of the charges brought against them, the facilities given to them for defence, and the result of the trial ?

The Honourable Mr. J. Crerar : Government are aware that certain Indians were arrested recently in Shanghai on charges of seditious activity. So far as is known, twelve men were arrested, of whom five were committed for trial before the Supreme Court. Three of these men pleaded guilty to charges of possessing seditious literature with intent to distribute it and of conspiring to excite disaffection among the subjects of the King. They have been sentenced to one year's imprisonment to be followed by deportation. There is no definite information regarding the remaining two, but it seems probable that they were acquitted. Government are not acquainted with the details of the procedure of the Shanghai Supreme Court, but facilities for the defence of accused persons are no doubt similar to those given in British Courts elsewhere.

Mr. A. Rangaswami Iyengar : Will the Government call for detailed information on this matter ?

The Honourable Mr. J. Crerar : I have asked for further information on the subject. I have not yet received it.

Diwan Chaman Lall : May I ask the Honourable Member whether these three Indians are going to be deported to ?

The Honourable Mr. J. Crerar : I have no information on that point.

## HEALTH OF SRIJUT JYOTISH CHANDRA GHOSH, A BENGAL DETENU.

97. \*Mr. Gaya Prasad Singh : (a) Is it a fact that Srijut Jyotish Chandra Ghosh, a Bengal detenu, is in a serious state of health, and that he has been suffering from nervous prostration, insomnia, heart trouble, and dyspepsia ?

(b) What was his weight when he was first arrested, and what is his present weight ?

(c) Will the Government be pleased to place on the table a copy of the latest medical report about his health ; and also indicate what action, if any, they want to take in this matter ?

The Honourable Mr. J. Crerar : (a), (b) & (c). The latest medical report, dated the 27th July is to the effect that the state of Jyotish Chandra Ghosh's health is not serious. He complains of insomnia and dyspepsia, but is not suffering from nervous prostration or heart disease. His weight when first arrested was 173 lbs. : it is now 171 lbs. In view of this report, it is not proposed to take any action.

Mr. Satyendra Chandra Mitra : Is the Honourable Member aware that Major Finlay, Superintendent of Insien Jail, reported that Profes-

Jyotish Chandra Ghosh is suffering from nervous prostration and he removed him to the jail hospital, and further that there is a standing rule that detenus are to be ordinarily treated in their cells and unless they are very seriously ill should not be removed to the jail hospital ?

**The Honourable Mr. J. Crerar :** I am afraid I am not in a position to add anything to the reply I have just given which, as the Honourable Member will have observed, is based upon a medical report so recent as the 27th July.

**Mr. Satyendra Chandra Mitra :** Is the Honourable Member further aware that when he was removed to Mandalay Jail, the Superintendent of Mandalay jail, Major Smith, thought fit to consult the Civil Surgeon of Mandalay about the seriousness of Professor Jyotish Chandra Ghosh's illness ?

**The Honourable Mr. J. Crerar :** I have no information to that effect. I have no doubt that the Honourable Member's information is quite correct.

#### EXCLUSION OF " FORWARD " FROM BURMA.

98. **\*Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state if there passed any communication between them and the Government of Burma, or the Government of Bengal, regarding the exclusion of the " Forward " newspaper from Burma ?

(b) What are the grounds for the order of exclusion ; and will the Government be pleased to place all correspondence on this subject on the table ?

**The Honourable Mr. J. Crerar :** (a) The facts of the matter have been reported to the Government of India.

(b) The order was passed in view of the publication in *Forward* of certain false and mischievous statements attributing to the Government an aggressive policy on the China-Burman Frontier and the expressed intention of the editor of the paper to repeat these false statements should occasion arise in spite of the Burma Government's intimation that they were totally unfounded. I do not propose to place any correspondence on the table. The order is no longer in force.

**Mr. K. C. Neogy :** Had those observations made by the " Forward " any special reference to the Government of Burma ?

**The Honourable Mr. J. Crerar :** They referred generally to the action taken by Government as established by law.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, whether the Government of India were consulted before action against the paper was taken ?

**The Honourable Mr. J. Crerar :** No, Sir ; the Government of India were not consulted before the Government of Burma took this action.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, under what provision of law this action was taken by the Burma Government ?

**The Honourable Mr. J. Crerar :** Under section 26 of the Post Office Act.

**Mr. A. Rangaswami Iyengar :** Are the Government satisfied that it is a fair use made of the Post Office Act ?

**The Honourable Mr. J. Crerar :** I think that the substance of the reply which I have already given answers adequately the Honourable Member's question.

**Diwan Chaman Lall :** May I ask, Sir, whether the Government of Burma is more sensitive than the other Governments ?

**The Honourable Mr. J. Crerar :** I am not aware that this is a fact.

**Mr. Gaya Prasad Singh :** May I know, Sir, why criminal proceedings were not instituted against the paper ?

**The Honourable Mr. J. Crerar :** Because the Government of Burma considered that the action they actually did take was likely to be the most effective and expedient in the circumstances.

**Mr. Gaya Prasad Singh :** Then, why have they withdrawn that order ?

**The Honourable Mr. J. Crerar :** They withdrew their order because they considered it no longer necessary to keep in force.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, if the Government of India ever thought of putting into motion the Indian Post Office Act against the *Forward* in respect of these articles ?

**The Honourable Mr. J. Crerar :** No, Sir ; the Government of India had not as a matter of fact contemplated taking action *suo motu*.

**Mr. Gaya Prasad Singh :** May I know, Sir, what new elements arose between the issuing of the order and its cancellation ?

**The Honourable Mr. J. Crerar :** Lapse of time.

PROPOSED DEMOLITION OF THE HISTORIC HOUSE OF THE LATE POET BANKIM CHANDRA CHATTERJEE, AT KANTHALPARA, NAIHATI, EASTERN BENGAL RAILWAY.

99. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that the historic house of the late poet Bankim Chandra Chatterjee, author of the poem "Bande Mataram", at Kanthalpara, Naihati, Eastern Bengal Railway, is going to be demolished for the extension of the Naihati station, and that preliminary notices have already been issued by the Collector upon the heirs of the late poet ?

(b) Are Government aware that the proposed demolition of this historic residence has been strongly objected to ; and do Government propose to take steps to save this house from vandalism ?

**Mr. A. A. L. Parsons :** Government understand that in order to improve the entrance into the Naihati Goods Yard at the north end, the Agent of the Eastern Bengal Railway caused enquiries to be made whether the present owner of the late Bankim Chandra Chatterjee's house were willing to part with a strip 20 ft. wide and 185 ft. long along the western side of the property. This strip includes an outhouse, a portion of the court-yard about 8 ft. wide and a portion of two living rooms one of which is not a part of the late author's portion of the joint house. The greater portion of the property is stated to be a mass of ruins, the only parts in a fair state of repairs being the outer buildings on two sides. It was ascertained that the owner would agree to the acquisition of the complete property but not a portion of it, and the Land Acquisition Officer was

thereupon instructed to prepare an estimate of the cost of acquiring the whole property. It is understood that no notice of acquisition has yet been issued by the Collector upon the heirs of the late poet.

(b) Government are aware that rumours of a possible acquisition of the building which, as I say, is in ruins, have evoked public opposition in Bengal and propose to instruct the Agent of the Railway to reconsider the design of the yard with a view to avoiding the necessity of encroaching upon a part of the late author's house.

#### RETIREMENT OF EUROPEAN GOVERNMENT OFFICIALS ON PROPORTIONATE PENSIONS.

100. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that Government have asked European Government officials in India to indicate before the sitting of the Statutory Commission, whether they have any intention of resigning their services on proportionate pensions ? If so, has any reply been received ?

(b) Will Government kindly state how many European officials have already retired on proportionate pension, since the introduction of the Reforms ?

**The Honourable Mr. J. Crerar :** (a) No.

(b) 364.

**Mr. Gaya Prasad Singh :** Are Government aware if any such enquiry has been instituted either at the instance of an individual or at the instance of a body of officials ?

**The Honourable Mr. J. Crerar :** I have no information on that point, Sir.

**Mr. Arthur Moore :** Is it not a fact that a certain class of officers for whom no special provision has been made were informed that, until the appointment of the Statutory Commission, individual applications to retire would receive the consideration of the Secretary of State ?

**The Honourable Mr. J. Crerar :** I am not quite clear as to the precise purport of the Honourable Member's question. No enquiry of the nature suggested in the original question was issued by Government nor, so far as they are aware, by any official authority.

**Mr. Arthur Moore :** Arising out of that question, Sir, is it not a fact that a certain class of officers for whom no special provision has been made were informed by circular that individual applications for permission to retire would receive the consideration of the Secretary of State until the appointment of the Statutory Commission ?

**The Honourable Mr. J. Crerar :** It is the case that in dealing with a matter which hardly I think arises on this question,—in dealing with the general conditions relating to retirement on proportionate pension, there was a certain number of cases which did not come precisely within the ambit of the rules, but the Secretary of State intimated that he was prepared to consider individual cases which, though not coming within the precise terms of these rules, might merit special consideration. It is not within my recollection that any reference was made in that connection to the appointment of the Statutory Commission.

**Mr. Gaya Prasad Singh :** Are Government prepared to lay a copy of the Secretary of State's communication on the table ?

**The Honourable Mr. J. Crerar :** I will enquire into that point, Sir. It is not precisely within my recollection in what context the statement was made but I have a pretty clear recollection that it was made.

**Mr. K. C. Neogy :** Is it a fact, Sir, with reference to clause (b), that some officials secured very lucrative appointments outside Government employ before putting in their applications for retirement on proportionate pensions ?

**The Honourable Mr. J. Crerar :** The rules, Sir, prohibit any officer obtaining lucrative appointments while still in Government service.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, whether these cases of retirement on proportionate pension are cases of retirement on political grounds ?

**The Honourable Mr. J. Crerar :** They are cases of retirement in accordance with the provisions set out in the rules relating to retirement on proportionate pension, which I suggest the Honourable and learned gentleman might consult.

**Mr. A. Rangaswami Iyengar :** May I know whether there are any special causes for retirement ? There is one cause of retirement stated and which was in the Lee Commission's Report, that is, in consequence of the constitutional changes in this country. Were these cases such cases ?

**The Honourable Mr. J. Crerar :** The 364 cases to which I referred ?

**Mr. A. Rangaswami Iyengar :** Yes.

**The Honourable Mr. J. Crerar :** They were cases of retirement on proportionate pension in accordance with the conditions prescribed in the rules.

**Mr. A. Rangaswami Iyengar :** I want to know again specifically whether these 364 cases are cases in which people wanted to retire on account of the fact that the constitution of the Government of this country and the constitution of the Services have been altered or are undergoing alteration ?

**The Honourable Mr. J. Crerar :** The general condition laid down in the rules is that an applicant retiring on proportionate pension makes a statement to the effect that he wishes to retire because of the changes which have been made in the conditions of his service.

**Mr. A. Rangaswami Iyengar :** And there are 364 cases, Sir ?

**The Honourable Mr. J. Crerar :** There are 364 cases.

SPEECH DELIVERED BY EARL WINTERTON IN THE HOUSE OF COMMONS REGARDING THE BENGAL DETENUS.

101. **Mr. Gaya Prasad Singh :** With reference to the recent speech delivered by Earl Winterton, in the House of Commons, regarding the Bengal detenues, has the attention of the Government been drawn to the statement made by Mr. Subhas Chandra Bose (*vide Amrita Bazar Patrika*, dated the 7th June 1927), in which he says :

“ The noble Earl is reported to have said that ‘ the prisoners were tried before a Judge, and Mr. Subhas Chandra Bose, before two Judges ’. None of the detenues

has, so far as I am aware, ever been tried before a Judge or Judges. There has not even been a mock trial. I was never produced before any Magistrate, or Judge ; nor was I ever told by whom the papers in connection with my case which had been prepared or fabricated, had been examined, either prior to my arrest, or would be examined subsequent to it " ?

(b) Is the above a substantially correct statement of fact ? And if so, do Government propose to ask Earl Winterton to withdraw the unfounded statement made by him in the House of Commons ?

(c) Are Government aware that in course of the said statement referred to in (a) above, Mr. Subhas Chandra Bose says :

“ My predicament was the result of personal malice against me on the part of a high police official ” ?

In view of the nature of this charge, do Government propose to call upon Mr. Subhas Chandra Bose either to prove the charge, or to withdraw it ?

**The Honourable Mr. J. Crerar :** (a) & (b). I have seen the statement made by Mr. Subash Chandra Bose to which the Honourable Member invites attention. The report of Lord Winterton's remark which he quotes is not entirely accurate, and since then a further statement on the subject has been made in the House of Commons, which prevents any possibility of misunderstanding.

(c) No.

**Diwan Chaman Lall :** Will the Honourable Member give us the remarks made by Lord Winterton ?

**The Honourable Mr. J. Crerar :** They will be found in the report of the speech in Hansard, a copy of which can be seen in the Library.

**Diwan Chaman Lall :** Wherein does the Honourable Member consider those remarks to be inaccurate ?

**The Honourable Mr. J. Crerar :** I think, Sir, if the Honourable Member will be good enough to read the version of the statement contained in the question and compare it closely with that which appears in the official report he will see that the reproduction is not entirely accurate.

**Mr. T. C. Goswami :** Is it not a fact that the subsequent statement of the Earl of Winterton was in the nature of white-washing his previous statement ?

**The Honourable Mr. J. Crerar :** I do not think that can be fairly suggested. It appears to me that there was some inaccuracy in the Noble Lord's first statement and that he then quite honestly and candidly corrected it in his second statement.

**Mr. T. C. Goswami :** Has the Honourable Member any doubt that the Noble Earl made an inaccurate statement on the subject of the so-called trial of these detenus ? Has the Honourable Member any doubt that whatever statement the Noble Earl made was inaccurate ?

**The Honourable Mr. J. Crerar :** I am very far from being prepared to say that whatever statement the Noble Lord made was inaccurate !

**Mr. K. Ahmed :** In view of the fact that Lord Winterton, the Under Secretary of State for India, has committed a gross blunder,.....

**Mr. President :** Order, order !

**Mr. K. C. Neogy :** Sir, I have a question to ask. Is it not a fact that in making such statements on important subjects in the House of Commons, the Under Secretary of State or the Secretary of State generally depends upon what information is supplied by the Government of India.

**The Honourable Mr. J. Crerar :** If the Honourable gentleman suggests that any inaccuracy that might have been in the Noble Lord's statement was based on some statement communicated by the Government of India, I am in a position to assure him that that is not the case.

**Mr. T. C. Goswami :** May I point out to the Honourable the Home Member that the inaccuracy in the speech of the Under Secretary of State is a very serious one, and that it almost appears as if the Noble Earl was deliberately misleading the House of Commons.

**The Honourable Mr. J. Crerar :** No, Sir. I think, the House will generally agree that if the Noble Lord took the earliest possible opportunity of correcting an admitted inaccuracy on one point, the matter should be allowed to go at that.

**Mr. T. C. Goswami :** After the debate was over ; and then when he had to.

**Mr. Gaya Prasad Singh :** May I know, Sir, what was the communication which was supplied by the Government of India on which the statement of Earl Winterton is based ?

12 NOON.

**The Honourable Mr. J. Crerar :** I never committed myself to the statement that any such communication was supplied.

**Mr. Gaya Prasad Singh :** Do I take it that no communication was supplied at all ?

#### RESOLUTIONS ADOPTED BY THE LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

102. \***Mr. Gaya Prasad Singh :** Will the Government kindly furnish a statement, indicating the Resolutions together with the dates, passed by the Legislative Assembly, and the Council of State, during the last Delhi Session, and the action taken on them ?

**Mr. W. T. M. Wright :** Two statements regarding Resolutions adopted by the Council of State and by the Legislative Assembly, respectively, are laid on the table.

*Statement showing Resolutions adopted by the Council of State during the Delhi Session 1927, and action taken by Government thereon.*

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
1	9th Feb. 1927	The Honourable Mr. Mahmood Suhrawardy.	Appointment of a Committee to examine the desirability of developing the road system of India.	Commerce	The Government of India consider it would be desirable that a conference of representatives of Local Governments should meet to discuss the question of road development generally, and in particular the matters which should be placed before the Committee which is to be appointed including Members of both Houses. It is proposed to hold the conference at the end of September 1927 on a date which will be convenient to the majority of Local Governments.
2	Do.	The Honourable Mr. V. Ramadas Pantulu.	Moderation in the use of alcoholic liquors in Local Administrations under the direct control of the Government of India.	Finance (C. B. R.).	The resolution merely re-affirms the existing policy of the Government of India. They are, however, making enquiries as to the rate of consumptions in the local Administrations of Coorg, Ajmer-Merwara and Baluchistan with a view to see whether any action is called for in order to promote or ensure moderation.
	14th Feb. 1927	The Honourable Mr. P. C. D. Chari.	Amendment of the Indian Income Tax Act.	Do.	It has been decided that no useful purpose would be served by an enquiry into the matter by a Committee.



Statement showing Resolutions adopted by the Council of State, during the Delhi Session 1927, and action taken by Government thereon—contd.

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
11	9th March 1927	The Honourable Phiroze C. Sethna.	Appointment of an Indian to be the leader of the Indian Delegations to the League of Nations.	Legislative	The terms of the Resolution and a copy of the Debates relating thereto were forwarded to the Secretary of State.
12	10th March 1927	The Honourable Mr. V. Ramadas Pantulu.	Daily allowance of members of the Council of State and the Legislative Assembly.	Legislative	The Government have given effect to the resolution in the form adopted.
13	21st March 1927	The Honourable Mr. V. Ramadas Pantulu.	Censorship and control over cinemas and other public resorts of amusement.	Home	The matter is under consideration.
14.	21st March 1927	The Honourable Rai Bahadur Lala Ram Saran Das.	Assignment of a suitable place in the Warrant of Precedence to Members of the Indian and Provincial Legislatures.	Home	The matter is under consideration.

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
1	3rd Feb. 1927 .	Mr. V. V. Joghiah	Release of political detenus . (Repeal of Bengal Regulation III of 1818.)	Home	A copy of the resolution with the debates thereon has been forwarded to the Secretary of State.
2	8th and 10th Feb. 1927.	Kumar Gangenand Sinha	Treatment of the Santhal Par- ganas as a backward tract.	Home	A copy of the resolution together with the debates thereon was forwarded to the Secretary of State.
3	24th and 25th March 1927.	The Honourable Sir Alexander Muddiman.	Enhancement of salary of two members of the Judicial Com- mittee of the Privy Council.	Home.	A copy of the resolution together with the debates has been forwarded to the Secretary of State.

RETENTION BY THE PROVINCIAL MUSEUM AT PATNA OF THE VALUABLE RELICS  
FOUND AT PATALIPUTRA AND NALANDA IN BIHAR.

103. \***Mr. Gaya Prasad Singh** : (a) Are Government aware that valuable relics have been found out of the excavations at Pataliputra and Nalanda in Bihar ; and that there is a proposal at the instance of the Director General of Archæology to remove a portion to the Imperial Museum at Calcutta ?

(b) Have Government considered the claims of the Provincial Museum at Patna to retain a substantial portion of the valuable finds ?

**Mr. A. R. Dalal** : (a) Yes.

(b) Yes ; the Director General of Archæology is now in correspondence with the Bihar and Orissa Government on the subject.

LONDON "DAILY NEWS" COAL MISSION REPORT.

104. \***Diwan Chaman Lall** : (a) Has the attention of Government been drawn to the London *Daily News* Coal Mission Report ? (23rd May 1927) ?

(b) Have Government examined the possibility of applying the recommendations of that report to conditions prevailing in Indian coal mines ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) No.

(b) Does not arise.

**Diwan Chaman Lall** : Will the Honourable Member take the earliest opportunity of consulting that Report, Sir ?

**The Honourable Sir Bhupendra Nath Mitra** : I shall be obliged if the Honourable Member would send me the Report in case he has already got it, because I have not been able to get a copy of it.

**Diwan Chaman Lall** : Is the Honourable Member aware that I enclosed a cutting along with my question giving a summary of this Report ?

**The Honourable Sir Bhupendra Nath Mitra** : I do not remember to have seen the cutting. It may have got mislaid in the passage of the question to me.

DIVIDENDS PAID BY INDIAN COTTON MILLS IN BOMBAY FROM 1905 TO 1926.

105. \***Diwan Chaman Lall** : (a) Will Government be pleased to state the dividends paid per annum from 1905 to 1926 inclusive by Indian cotton mills operating in Bombay and the proportion per annum of such dividends to the capital invested in such mills ?

(b) Have Government any information as to the reasons for a drop in dividends paid by such mills in Bombay since 1923 ?

**The Honourable Sir George Rainy** : (a) The Honourable Member is referred to page 20 of the Report of the Tariff Board (Cotton Textile Industry Enquiry) which gives the figures from 1917 to 1925. With regard to the other years, I am afraid the only source of information I can suggest to the Honourable Member is the commercial and financial newspapers which publish information regarding dividends from time to time.

(b) The question is fully discussed in the Report of the Tariff Board.

**Mr. B. Das :** Is it not a fact, Sir, that the low dividends for the last three years are mainly due to the over-capitalisation of the cotton mills in Bombay ?

**The Honourable Sir George Rainy :** I think the House will agree that this is perhaps too large a question to be dealt with by way of a question and answer.

# ARREST OF ONE FAZL ELAHI IN BOMBAY AND HIS TRIAL IN THE NORTH-WEST FRONTIER PROVINCE.

106. **\*Diwan Chaman Lall :** Will Government state whether recently a young Indian was arrested in Bombay and taken to the North-West Frontier Province, and charged there ? Will Government state his name, age, reason for arrest, charges on which he was tried and sentence awarded, and whether proper facilities were given for his defence ?

**The Honourable Mr. J. Crerar :** The Honourable Member apparently has in mind the case of Fazl Elahi. He was arrested in Bombay, as he was believed to have committed an offence under the Passport Rules. Subsequently a complaint was made against him of conspiracy to wage war against the King, and as the evidence related mostly to the North-West Frontier Province, the case was transferred for the convenience of witnesses to the Court of the District Magistrate, Peshawar. Fazl Elahi, whose age is 25, has been sentenced under section 121-A of the Indian Penal Code to five years' rigorous imprisonment. He was defended by a pleader.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is aware that of the witnesses who appeared in this case one came from Bombay, one came from Kashmir, one came from Calcutta, one came from Lahore and one came from Ludhiana, while only two police witnesses came from Peshawar, and therefore it could not have been for the convenience of the witnesses that the case was transferred from Bombay to Peshawar ?

**The Honourable Mr. J. Crerar :** I am not, as a matter of fact, aware that the Honourable Member's facts are correct, but I am not prepared to question them. But in view of all the circumstances of the case, and not solely with regard to the convenience of witnesses, I think there was every reason for the better trial of the case that it should be tried in the North-West Frontier Province.

**Diwan Chaman Lall :** Was not the real reason the convenience of obtaining a conviction ?

**Mr. K. Ahmed :** In view of the fact that proper facilities were not given to the accused for his defence, do Government propose to remit the sentence under section 121 of the Indian Penal Code or in the alternative order a re-trial of the case and engage a counsel to defend the accused and give him all the facilities which he is entitled to get ?

## TELEGRAMS RELATING TO THE FLOODS IN GUJARAT AND SIND AND ORISSA.

**Secretary of the Assembly :** Sir, in reply to the message of sympathy conveyed in the Resolution regarding the distress caused by the floods, which was passed by the Assembly on the 18th instant, the following communications have been received :

*“ Telegram from the Private Secretary to His Excellency the Governor of Bombay.*

The Governor in Council is deeply sensible of the sympathy of the Legislative Assembly for the distress caused by the floods in Gujarat and Sind and desires to express his sincere thanks to the Assembly for the Motion unanimously passed on the 18th August. The sympathy of the Assembly will be conveyed to the sufferers, and the Assembly may rest assured that the Government of Bombay has done and is doing all within its power to alleviate distress.”

*“ Telegram from Babu Gopabandhu Das, of the Congress Committee, Cuttack.*

Assembly's sympathetic Resolution thankfully received gives hope and consolation to people in distress. Please convey their gratitude to Assembly. Orissa urges measures for permanent flood prevention.”

*“ Telegram from Mr. Vallabhai Patel, President, Gujarat Provincial Congress Committee, Ahmedabad.*

On behalf of afflicted people of Gujarat I express sincere gratitude for the kind message of sympathy from Legislative Assembly which will be highly appreciated and will greatly console people in their distress. Please convey my sincere thanks to President and Members of Assembly.”

**Mr. Amar Nath Dutt :** Is there no message from the Government of Bihar and Orissa ?

**Mr. President :** All the telegrams that have been received so far have been already read out by the Secretary.

### ELECTION OF MR. S. C. MITRA TO THE COMMITTEE ON PUBLIC ACCOUNTS.

**Mr. President :** With regard to the election of Members to the Committee on Public Accounts, there were only two candidates for election to that Committee, namely, Raja Ghazanfar Ali Khan and Mr. S. C. Mitra. As Raja Ghazanfar Ali Khan has now withdrawn his candidature, I declare Mr. S. C. Mitra to be duly elected. (Applause.)

### ELECTION OF MEMBERS TO THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

**Mr. President :** I have to inform the Assembly that the number of candidates nominated for election to the panel for the Standing Committee to advise on subjects in the Department of Education, Health and Lands is equal to the number required and, therefore, I announce that the following members are declared to be duly elected :

Mian Muhammad Shah Nawaz.

Colonel J. D. Crawford.

Mr. M. Ruthnaswamy.

Mr. Muhammad Yamin Khan.

Rai Sahib Harbilas Sarda.

Sir Hari Singh Gour.

Mr. Ismail Khan.

Raja Ghazanfar Ali Khan.

Mr. Abdul Latif Sahib Farookhi.

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EXTENSION OF THE TIME FOR RECEIVING NOMINATIONS FOR  
ELECTION TO THE PANEL FOR THE ADVISORY PUBLICITY  
COMMITTEE

**Mr. President :** I may inform the Assembly that up to 3 o'clock on Friday, the 19th August, the time fixed for receiving nominations, only 8 nominations were received for election to the panel for the Advisory Publicity Committee. As the number of candidates required is 14, I extend the period for receiving further nominations up to 12 Noon on Thursday, the 25th August. The election cannot therefore take place to-day but will, if necessary, take place in this Chamber on Monday, the 29th August.

**Mr. Varahagiri Venkata Jogiah** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : How could the consent of Colonel Crawford to be on the panel be obtained when he is in England ? It is said that Colonel Crawford is now in England.

**Mr. President :** All that is necessary is that the proposer must satisfy himself that his nominee is willing to act, if elected, and I have no reason to believe that he has not so satisfied himself. Has the Honourable Member any information to the contrary ?

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THE INDIAN TARIFF (COTTON YARN AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I rise to move that the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India be referred to a Select Committee consisting of Mr. Muhammad Yakub, Mr. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. Lamb, Dr. Suhrawardy, Diwan Chaman Lall, Mr. Joshi, Raja Ghazanfar Ali Khan, Mr. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran and Mr. Jayakar, and that the number of members whose presence shall be necessary to constitute a meeting shall be five and that the Committee be instructed to report on or as soon as possible after the 29th August, 1927.

**Mr. President :** Is not the Honourable Member himself on the list ?

**The Honourable Sir George Rainy :** I was under the impression that under the rules the Member in charge of the Department concerned was automatically on the list, but if I am in error, then I would move that my own name be added.

**Mr. President :** The Honourable Member has handed in the list to the Chair with his name in it.

**The Honourable Sir George Rainy :** This Bill, Mr. President, is limited in its scope. It is not a Bill proposing the grant of protection for the manufacture of cotton yarn in a general way. Its sole object is to safeguard its manufacture in India against unfair competition. Its origin is to be sought in the Report of the Tariff Board which was appointed to inquire into the depression in the cotton industry, but though it is based on the findings of the Board, it does not give effect to the recommendations either of the majority or the minority of that body. The responsibility for the proposal actually put forward rests on the Government of India and on the Government of India alone.

I should like at the outset to clear up one point about which there is a good deal of misconception. I have said that the object of the Bill is to safeguard the manufacture of yarn in India against unfair competition, and it is important to understand exactly what that means. The finding of the Tariff Board is that the industrial conditions in Japan are such that the Japanese mills are able to produce yarn at a lower cost than the Indian mills. Now the first question obviously that comes up is what are these conditions. I think the only one which it is necessary for us to take into account is the fact that in Japan night work by women is allowed in the cotton mills, whereas in India it is prohibited by law. In the Japanese spinning mills more than three-quarters of the operatives are women, and the fact that they are allowed to work at night makes it possible to work the mill in two shifts instead of in one shift, which is the usual practice in India. I say, Mr. President, that night work by women in the Japanese spinning mills is the only fact which we need take into account at present. It is true that the legal hours of work for various classes of operatives in Japan are longer than they are in India, and the Tariff Board has stated in detail what the differences are. But since July 1926 "the maximum hours for which it is permissible to work in double shift mills is 10 hours per shift", and amongst the spinning mills double shift working is almost universal. For this reason the Tariff Board say :

"All those concerns whose output of yarn competes with that of the Indian mills are working two shifts of 10 hours each."

It is clear, therefore, that the hours of work per shift are not longer in Japan than they are in India, and the only factor that influences costs is the double shift working.

How, it may be asked, does the working of double shifts reduce the cost of production? It does so, because the standing and overhead charges can be spread over double the production. It would not be correct, of course, to say that this had the effect of halving the spinning and overhead charges, because when a mill works double shifts, some of the items, such as the depreciation of plant and machinery, will be higher than they would be in a mill that was working one shift only. Nevertheless, double shift working means a substantial reduction in cost. The Board have worked out in detail what that reduction in cost probably amounts to, and they took as typical first a mill spinning an average of 20s. and then a mill spinning an average of 32s. For reasons which will be apparent later, I will confine myself to the latter mill, that is a mill which is assumed to be spinning an average of 32s. The Tariff Board found that the saving in the actual cost of manufacture was 6.3 pence per pound, but that if a reasonable reduction on the capital invested in the business was taken

into account, the figure would be raised to  $16\frac{1}{2}$ -pies per pound. That, they thought, was the extent of the advantage that the Japanese spinning mills derived from working double shifts and this advantage they held constituted unfair competition. Now, this brings me to the point I wanted to clear up. Why is this competition called unfair? I think I am right in saying that the kind of competition originally stigmatised by this name was competition in which bounties are involved or, again, what we commonly describe as dumping. Now it can be argued that in this case the term "unfair competition" has a certain appropriateness. It might be said for example that if the Government of one country pays bounties in order to stimulate the sale of its merchandise in foreign markets, that is unfair. That, as a matter of fact, is the complaint that was made in the United States of America by certain manufacturers not so long ago with reference to the bounties on steel in India which they alleged made it possible to sell pig-iron more cheaply in America. Then again, it might be said that it is unfair that a manufacturer should sell at a very low price in a foreign market at a price which is lower than the price he expects in his own country, and which may be actually unremunerative. In cases like that, I can understand why the term "unfair" is used, although my personal view is that it is much better avoided, because it is a term which always carries with it a suggestion that there is something unfair in the action either of the foreign manufacturer or of the foreign Government and that suggestion may be quite unreasonable. But in the case we are considering to-day, the case of the competition in cotton yarn, the unfairness, if unfairness there be, does not arise from any action taken by the Japanese Government or the Japanese Legislature, but from the action of the Government of India and the Indian Legislature. The Indian cotton manufacturer is quite entitled to come to the Indian Legislature and say: "If I am to be subjected to a restriction, such as the prohibition of night work by women, from which my rivals in other countries are free, then I ought to be compensated in some way because these restrictions raise my cost of production. It is unfair that I should be put in that position." That is a perfectly tenable line of argument. But the point I wish to emphasise is that his complaint lies not against the foreign Government, Legislature or manufacturer, but against the Government and Legislature of his own country. I have thought it necessary to emphasise this point, Mr. President, because it has frequently been said that the Government of Japan ought to have ratified the Washington Convention which prohibits night work by women. In answer to that, I think perhaps it is sufficient to say that, when at an International Labour Conference, the representatives of any country sign an international convention, no obligation to ratify is thereby imposed on the Government of that country. It may be very desirable—I think it is—that as many countries as possible should simultaneously ratify these Conventions, because otherwise the improvement in labour conditions which is most necessary must almost inevitably be retarded. But the fact remains that the question whether a Convention should be ratified or not is a matter for decision by the Government of each country concerned, and failure to ratify by one country is not a legitimate ground of complaint by the Government of any other country.

I hope I have made it plain, Mr. President, that when I use the term "unfair competition"—and I shall use it as little as I can—I am giving



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to it what is really a technical sense. "Unfair competition" is competition against which industries can ordinarily claim to be safeguarded whether that arises from the action of the foreign Governments or manufacturers or, as in this case, from the restrictions imposed by the law of the country itself. Well, Mr. President, to pass from that point. Perhaps I had better try and pick up the threads of the argument from the point from which I diverged. The finding of the Tariff Board was that owing to night work of women in Japan it was possible to work in double shifts instead of in single shifts, that the double shift working meant a reduction in the selling price which would give a fair return on the capital invested of  $16\frac{1}{2}$  pias a pound, and that figure at the date the Board reported amounted to 10 per cent. of the value of the imported yarn. They found also that the competition was unfair in the sense in which I have tried to explain to the House. The Government of India accept all these findings. They accept the finding that it is the night work of women that makes double shift working possible. They accept the finding that the reduction in the fair selling price resulting from double shift working is  $16\frac{1}{2}$  pias a pound in the case of yarn of 32s. counts, and they accept the finding that the competition is unfair in the sense I have tried to explain. It still remained for the Tariff Board to establish one more point before their case was complete and I think that perhaps on this question I cannot do better than read from what the Board themselves actually said. The passage will be found on page 39 of the Report. What they say is this:

"Japanese yarn of 32s. counts superior in quality to the comparable Indian product is thus being sold at a price which is practically equal to the cost of manufacture alone of yarn of this count in India without any allowance for profit or depreciation. In view of the fact that there is a definite relative value between the prices of the various counts of yarn sold, and that a fall in the price of yarn of counts of 30s. or 40s. therefore affects the price of all other counts in a varying degree, it must, we think, be held that the competition of Japanese yarn exercises a depressing effect on the price of Indian yarn and that this in a large measure must be held to account for the fact that the spinning mills, with one or two striking exceptions due to special circumstances, are in a worse position than mills which have both spinning and weaving departments."

What the Board say comes therefore to this, that nearly all the mills in India with spinning departments only are doing badly, that Japanese yarn of the counts of 30s. to 40s. is selling at a price which is little higher than the Indian cost of manufacture and that the low price of the Japanese yarn is keeping down the price not only of Indian yarn of the same counts but of all counts and especially counts below 30s. That is the finding that completes the case which the Board endeavoured to establish as regards cotton yarn.

There is one point here to which I should like to direct attention. It is to be noted that the price of Indian yarn of the lower counts, that is, counts below 30s. is affected by Japanese competition not directly but indirectly. The Board make this quite clear. This is what they say. In quoting this passage I shall omit a few words not relevant for my present purpose. It begins at the foot of page 38:

"The figures of imports we have given above show that it can no longer be the price of Japanese yarn of counts below 30s. which determines the price of Indian yarn of similar counts though we received evidence that it has done so in the past.... Such

influence as is now exercised on the price of Indian yarn (of counts below 30s.) must therefore be exercised by Japanese yarn of counts above 30s."

It is their clear recognition of this fact I think which dictated the very careful and guarded wording of the Board's finding. They abstain from saying that the price of Japanese yarn between 30s. and 40s. is the sole cause which keeps down the price of Indian yarn, and they content themselves with saying that it exercises a depressing effect on the price of yarn generally. So far as the medium counts between 30s. and 40s. are concerned, there can be no doubt at all I think, that the price of Japanese yarn is the sole factor we need consider, for here the competition is direct. But when we come to the counts below 30s. the position is very different. I find from an examination of the figures for the year 1926-27 that the quantity of yarn available for sale to the handloom weavers, after the needs of the mills had been met, amounted to about 318 million pounds. During the same year the production and imports of yarn of counts higher than 30s. was about 85 million pounds. Even if we assume that the whole of this quantity had been taken by the handloom weavers and none of it consumed in the mills or exported the total quantity of yarn of counts below 30s. on sale in India available for the handloom weavers would still have amounted to over 230 million pounds. Now, in these circumstances, it appears probable that internal competition must have a good deal to do with the price of counts below 30s. and here there are two things which have to be remembered. In the first place, the fact that the imports of Japanese yarn of counts below 30s. have fallen to a very low level indicates that it can no longer be sold profitably in India, and if so, the price of these counts is not according to the ideas of the Japanese manufacturer, in its correct relation to the price of medium counts (i.e., 31s. to 40s.). If in his opinion the prices were in their correct relation, then he would sell yarn of one count as readily as he sells yarn of another. In the second place, and I attach some importance to this, it is quite possible when trade is depressed and prices are low that there is more than one depressing factor at work and that prices may not rise unless all these factors are removed. I have thought it necessary to dwell on this question of the price of the lower counts of yarn at some length, because it is very doubtful whether the imposition of even a prohibitive duty on imported yarn would raise the price of the lower counts of yarn materially. But subject to this one qualification, the Government of India accept the findings of the Tariff Board. They agree that the price of the medium counts from 31s. to 40s. is governed by the price of Japanese yarn of similar counts, and if so, the imposition of an additional duty would be at once reflected in an increase of the price probably to the full extent of the duty. They agree also that the low price of the medium counts keeps down, or prevents from rising, the price of the counts below 30s. but consider that internal competition also plays a considerable part in keeping the price down. If, however, the price of the medium counts were raised by an increase in the import duty, the probable result would be to transfer an appreciable proportion of the Indian spindleage to the production of the medium counts with a consequent diminution of the internal competition in the production of the lower counts. In that way some increase in the price of lower counts might follow, but the total imports of the medium counts do not much exceed 25 million pounds a year, and this quantity is less than 10 per cent. of the Indian yarn available for sale after the requirements of the mills have been met.

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There is one point to which perhaps I ought to have drawn attention earlier. The Tariff Board were unanimous in their finding except on one point, namely, as to the extent of the disadvantage under which the Indian mills suffered. The majority of the Board considered that a reasonable return on capital should be taken into account in calculating this disadvantage, whereas the President of the Board, Mr. Noyce, took the view that only the actual cost of manufacture should be considered. His finding, therefore, was that the extent of the disadvantage was 4 per cent. of the selling price of the Indian mills, whereas the majority of the Board found that it was 10 per cent. I need not, I think, dwell on this difference of opinion and it will suffice to say that on this point the Government of India have accepted the opinion of the majority of the Board that a fair return on capital should be taken into account.

I will pass on, therefore, to the question of the recommendations made by the Tariff Board to safeguard the Indian industry against unfair competition. The Tariff Board differed not only as to the extent of the disadvantage under which the Indian mills suffered but also as to the measures to be taken to correct that disadvantage. The majority of the Board proposed to leave the duty on yarn unchanged, but put forward a scheme for the payment of bounties to encourage the spinning of the finer counts. Mr. Noyce, on the other hand, was unable to support the bounty scheme, but proposed that an additional differential duty of 4 per cent. *ad valorem* should be imposed on yarn imported from Japan. It will be convenient perhaps if I deal first with Mr. Noyce's recommendation, and I will do so very briefly. The adoption of his proposal would involve the denunciation of the trade agreement between India and Japan under which the merchandise of either country is entitled to most-favoured nation treatment from the other. Now, a step of that kind is always a very grave and serious step and one not lightly to be taken. It might easily prove to be the first step in a trade war, and when a Government commences a trade war the economic and political consequences are very difficult to foresee and cannot always be controlled. The view which the Government of India take is this. Discrimination against imports from a particular country is a measure which can be justified only by very exceptional circumstances, and when a proposal of this kind is made, it is necessary to weigh fully the possible advantages on the one side and the possible disadvantages on the other. In their view, action of this kind ought not to be taken unless it is clear that the advantages likely to be obtained are permanent and substantial and that they outweigh any disadvantages which might result, as, for example, from retaliatory measures to the part of the other country. In this case the Government of India were not satisfied that the necessary conditions were fulfilled, for the differential duty would remain in force only up to the 31st March 1930 and the extent of the benefit which the Indian cotton spinning industry would derive from the duty before that date was quite uncertain. In those circumstances they came clearly to the conclusion that it was not advisable to impose a differential duty on Japanese yarn.

The proposal of the majority of the Board for payment of a bounty to encourage the spinning of finer counts demands somewhat fuller

discussion. It was considered with great care, but in the end the Government of India found it impossible to assent to it. On some of the minor criticisms made by Mr. Noyce in his minute of dissent I will not dwell and it will suffice merely to note them in passing. He pointed out that the proposed bounty would deprive the mill-owner who had already embarked on the spinning of the finer counts of much of the advantage which he had derived or might derive from so doing, that the effect of the subsidy would be very unequal as between different centres, that it would accentuate the tendency on the part of some Indian mills to spin higher counts of yarn than the quality of cotton they used warranted, and that it would lead to inefficient working. I need not dwell on these points, because some of them, though I think not all, might possibly have been removed by suitable modifications in the scheme. The fundamental objections are of a different kind and go deeper. In substance, the bounty scheme is this, that a bounty of one anna a pound should be paid on the production of yarn of 32s. and higher counts based on the production of 15 per cent. of the total working spindleage in a mill. Now, in order to ascertain the benefit which a mill might expect to derive from this bounty scheme, I took the case of a mill which was spinning an average of 34s. and did not spin any yarn below 32s., that is to say, the whole of the yarn it produced would be yarn of the kind which would qualify for the payment of the bounty. I do not know whether in fact there is any mill in India which actually is in this position, but I have taken this case purely for illustrative purposes. The utmost that it can receive under the bounty scheme would be one anna per pound on 15 per cent. of its output. Spread over the whole output, the amount received would be only  $1\frac{1}{5}$  pies per pound, and it will be seen at once that, since the advantage of the Japanese mill has been found to be  $16\frac{1}{2}$  pies per pound, the assistance which the mill will obtain from the bounty scheme is inadequate to put matters right. The additional amount received would be a little more than the advantage to be derived from an increase in the import duty from 5 to 6 per cent. Yet, this mill which at the moment I have taken as typical is assumed to be producing counts of yarn in respect of which the Japanese competition is most direct and most severe. For a second illustration I will take the case of a mill in which half the spindles are producing an average of 34s. and the other half an average of 20s. Taking the production figures adopted by the Board on page 64 of their Report when they calculated the disadvantage of the Indian mills, the output of the spindles producing 20s. would be double the output of the spindles spinning 34s. In this case the bounty would be payable only on 10 per cent. of the output, and the amount of the bounties spread over the whole output would be  $1\frac{1}{7}$  pies per pound. To put it briefly, if the average count spun in a mill is as high as 34s., the amount received by way of bounty would never exceed  $1\frac{4}{5}$  pies per pound spread over the whole output, and the lower the average count spun, the smaller is the bounty per pound spread over the whole output. This is the first serious objection to the scheme, namely, that in so far as it is to be considered as a safeguarding measure it is ineffective. In order that the mills in India with spinning departments only might be safeguarded from Japanese competition by means of a bounty, it would be necessary either to raise the amount of the bounty to a much higher figure than one anna a pound, or else to expand the spindleage limit materially. That would at once create a whole series of fresh difficulties, and would raise the cost of the scheme to a prohibitive figure.

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The second objection to the scheme, Mr. President, is one of principle. It is evident from the Report that the majority of the Board view their scheme not only as a safeguarding measure but also, and perhaps primarily, as a means of bringing about a desirable development in the cotton spinning industry. They proposed that the bounty should be payable in the first instance for a period of four years, and they estimated that the cost during that period will be Rs. 240 lakhs. Now, when it is proposed to subsidise an industry to this extent, there is one test which I suggest should always be applied, namely, whether the development, if it comes about, would serve a national purpose as distinct from the interests and the advantage of the industry itself. When I say this I am not considering bounties which are granted solely as a measure of protection, as for example, the steel bounties. I am speaking just now of bounties and subsidies which are regarded not as measures of protection but as a stimulus to development, and in such cases the view of the Government of India is that the expenditure, especially when the sum involved is high, cannot be justified unless it is incurred on national grounds, and they were not satisfied that the scheme put forward by the majority of the Board satisfied this test. They hold in fact, as Mr. Noyce put it, that a long-established industry, as the cotton textile industry, should need no stimulus at the expense of the tax-payer to a development which is in its own interest. That is the second serious objection. The third objection is to be found in the administrative difficulties connected with the working of the scheme. Mr. Noyce, whose knowledge and experience entitle him to speak with some authority on this question was of opinion that these difficulties were insuperable. I do not propose to discuss this point at any length for it would lead me into details which could not but be tedious to the House. Suffice it to say that the Government of India were satisfied after examining the question that the scheme could not be administered satisfactorily by the peripatetic staff of inspectors proposed by the majority and that a very much larger and more expensive staff would be required. I know that this view is not accepted by most of the mill-owners with whom I have discussed the question and I quite frankly recognise that in a matter of this kind they must obviously know more about it than I do. Nevertheless, after giving the question the best consideration I can, I remain of opinion that the administrative difficulties would be very great and the administrative expenses very high. It is to be remembered, Sir, that in this matter the point of view of the Government of India which is the trustee of the tax-payer who is going to pay the bounty, and the point of view of the mill-owner who hopes to receive the bounty are perhaps not identical and therefore the difference of opinion as to the extent of the precautions which would be necessary in the event of a bounty scheme being sanctioned is not a matter which need arouse any particular surprise. For the reasons which I have given the Government of India found it impossible to accept either the recommendation of the majority of the Tariff Board or the recommendation of the minority. It was accordingly announced in the Resolution which was published on the 7th June last that the duty on cotton yarn would be left unaltered. It was recognized that the existing revenue duty, being only 5 per cent., did not fully cover the advantage that would be derived by the Japanese mills from working double shifts, which amounted to 10 per cent. It was held, however, that

an additional duty on yarn only would affect prejudicially the handloom industry, and that for that reason it should not be imposed. Since this was the decision of the Government of India in June last the House will naturally expect to hear how the question came to be re-opened. It will be within the recollection, I think, of most Members that, after the publication of the decisions of the Government of India, the claims of the cotton mills were brought before the Government of India on two separate occasions : first in Bombay when I met the Committee of the Bombay Mill-owners' Association at a meeting at which representatives from other centres were also present, and subsequently when a deputation of mill-owners was received by His Excellency the Viceroy at Simla. On both occasions it was promised that all that had been urged would be fully considered by the Government of India, and this Bill is the concrete result of the reconsideration which has been given to the question. It was strongly urged by the mill-owners in Bombay that if the Government of India found it impossible to accept either the majority or the minority recommendation, then it was incumbent on them to examine the case from every point of view before finally coming to the conclusion that there was nothing to be done. Now, when after these meetings the Government of India again took up the consideration of the question the following were, I think, the four points which emerged distinctly. In the first place the objections to the bounty scheme remained as strong as ever. The Government of India were unable to see how these difficulties were to be overcome or how they could assent to a scheme of that kind. That is the first point. In the second place, the position was not satisfactory as regards the competition with Japan. Admittedly the existing duty is only a 5 per cent. duty and the disadvantage of the Indian mills at present prices amounted to something like 10 per cent. ; that is to say, the industry was not fully safeguarded against competition which had been found to be unfair. In the third place, it was necessary to consider whether, if a differential duty could not be agreed to, there were the same objections to a duty which would not differentiate or discriminate but would be applicable to imports from all countries. And in the fourth place—and this was obviously the point the Government of India had to consider closely—was the objection that an increase in the duty would affect prejudicially the handloom industry really conclusive. These were the four points which I think determined the decision of the Government of India which is now embodied in the Bill. And first, let me deal with the question whether, if a differential duty was impossible, a duty applicable to imports from all countries was open to the same objection. Now, one obvious objection—and it was one I think which had material weight in preventing the Government of India from taking up this particular question at an earlier date—was the fact that both the majority and minority of the Board were against the imposition of a duty on imports of yarn from all countries, that is, a general increase in the duty on yarn. On the other hand there was a precedent on the other side to be found in the British safeguarding procedure. In the United Kingdom, when it was considered that unfair competition is established, no attention is paid to the particular country or countries which may be responsible, but the safeguarding duty imposed is made applicable to imports from all countries outside the Empire. Therefore, it seemed that the objection to a general increase of the duty might not be insuperable. As for the other point, namely, whether the effect on the handloom industry might not supply an insuperable

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objection, it was felt that a good deal might depend upon the precise method adopted of imposing the duty, and that the objections might be less serious with one method than they would be with another. After fully reviewing the whole matter the Government of India came to the conclusion that the plan embodied in the Bill was the one which best met the requirements of the case and was likely to work most easily and most equitably.

As the House are aware, I have had a good deal to do in one way or another in considering protective duties and the precise method by which they ought to be applied, and the conclusion which I reached quite early during the time I was on the Tariff Board was that for protective purposes an *ad valorem* duty is nearly always objectionable, and the reason is simply this. When prices are high, the duties are very high and the protection is very high,—and that is just the period when the industry probably needs protection least. When prices are low, the duty is low, and the protection is low, and that is the very time when the industry needs protection most. For this reason, when it is possible, and it is not always possible, but if possible, a protective duty ought to be a specific duty. Well, now, in this case it was necessary to consider, if there was to be a specific duty, what the amount of the duty ought to be. One thing at any rate was perfectly clear in the Tariff Board's Report; it was in respect of the counts of yarn between 30s. and 40s. that the safeguarding was necessary, and the duty must be adequate to safeguard the industry at that point. The Tariff Board had found that 16½ pices per pound was the disadvantage under which the Indian mills suffered. That was based on their prices at 32s. If the safeguarding was to be adequate for the average value of the counts between 31s. and 40s., the duty would have to be a little higher, and it was for this reason that in the Bill it is proposed to fix the duty at 1½ annas a pound. Now it is quite true that on the counts of yarn below 30s. or on part of the imports of this kind, this means a fairly high duty, although as far as I have been able to discover from any figures I could obtain, it is seldom likely to amount to much more than 10 per cent., the reason being that most of the yarn which is imported of these very counts is imported for some special purposes, and it probably has a value distinctly above the average value of yarn of these counts. Still, the 1½ annas duty is fairly high. On the other hand there were administrative reasons why it was undesirable to differentiate if that could be avoided, and on the whole it was thought that if the specific duty were made uniform for all counts, no particular harm would be done. The House will remember that in an earlier part of what I said I dwelt at some length on the question whether the imposition of an additional duty would increase the price of the lower counts and, if so, to what extent. It was in view of this particular point which I am discussing now that I did enlarge to some extent at an earlier stage. The conclusion which I endeavoured to put before the House was that in all probability the increase in the price of the lower counts which might result from the imposition of the duty would not be very large, because the price of these counts was determined to a very large extent by internal competition.

I come now to the question of how this proposed duty of one and a half annas a pound might affect the interests of the handloom industry. Now, the first point that I would like to make is this, that as regards the



higher counts it is not likely that the handloom industry will be at all seriously prejudiced. There are two reasons. In the first place, when you get to the really high counts of yarn the price will be more than Rs. 1-14-0 a pound and in that case the yarn will be subject as before to the 5 per cent. *ad valorem* duty and not to the specific duty, that is to say, there will be no increase in the cost of the yarn at all. As regards the counts a little bit lower down the scale but higher than 40s., it is quite possible that the specific duty may be a little higher than the 5 per cent. duty, but probably not very much. In that case, since the kind of piece-goods which are spun from the higher counts of yarn are something in the nature of a luxury product, it is quite possible that the handloom weaver will be able to pass on the increasing cost to the consumer. Then, let us take the lower counts, counts below 30s. Here again the conclusion I have already tried to place before the House is relevant. It is very doubtful whether the price of these lower counts will be increased materially by the duty, and if I am right in suggesting that, then the effect on the handloom industry cannot be serious.

Finally, we are left with the medium counts, from 31s. to 40s. Now, as I have already said, it seems probable that, in respect of these counts, the increase in price will be practically equivalent to the increase in the duty, and here unquestionably the handloom weaver will have to pay a higher price for the yarn he buys ; but if we assume—I have no accurate data as regards this—if we assume that out of the 50 million pounds of yarn of medium counts which is either imported into India or produced in India, half of it is taken by the handloom weavers, then that quantity, about 25 million pounds, would only amount to about 10 per cent. of their total consumption. That is the only part of the burden which, so far as I can judge, is likely to be at all serious.

Finally, before concluding I must refer very briefly to one other proposal which does not find a place in this Bill, but is in the other Bill which contains all those proposals which the Government of India have adopted for the removal or reduction of duties. This proposal is the

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reduction of the duty on artificial silk yarn from 15 to 7½ per cent. which, it is believed, will be distinctly

in the interests both of the handloom weavers and of the cotton mill-owners. Artificial silk yarn is a material which is coming more and more into use in recent years and the imports of it into India have grown at a very remarkable rate. If either the handloom weavers or the mills are to manufacture a class of goods for which there is a growing demand, then any step that is taken to reduce the cost of materials they have to use ought to benefit them considerably.

I do not know, Mr. President, that there is much more that I need add. I must thank the House for the patience with which they have listened to what, I fear, must have been a somewhat tedious exposition of one of these economic questions which, however interesting they may be to some of us, do not always make a popular appeal. The decision of the Government of India that it was desirable to safeguard the manufacture in India of cotton yarn was only arrived at after prolonged consideration and after all that could be said on either side had been as carefully weighed as possible. They believe that the change proposed in the Bill ought to be made out of fairness to the interests of the cotton mill industry. They also believe that any prejudicial effect that it may have on the handloom industry



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will not be serious. In these circumstances, they consider it their duty to bring it before the House.

Sir, I move the motion that stands in my name. (Applause.)

**Mr. President :** Before I propose the motion for the consideration of the House I should like to know exactly what the Government mean when they say "that the Select Committee be instructed to report on or as soon as possible after the 29th August 1927". Under this instruction it will be open to the Select Committee to delay its Report for any length of time. They will not be bound to make their Report during this Session. I do not know what the object of the Government is in giving such instruction to the Select Committee.

**The Honourable Sir George Rainy :** Perhaps I might explain that it was hoped that it would be possible to submit the Report by the 29th August, but it was felt that owing to the number of Committees that have to sit that might not be possible. It was for this reason that the 29th August was put in rather as a pious aspiration than an absolutely fixed date. I respectfully recognise that what is in the motion is not very satisfactory and, if the House will permit me, I should be quite willing to propose that the Report be submitted by the 31st August.

**Mr. President :** On or before the 31st August.

**The Honourable Sir George Rainy :** Yes, Sir.

**Mr. President :** Motion moved :

"That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. W. Stenhouse Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be five, and that the Committee be instructed to report on or before the 31st August, 1927."

**Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) :** Sir, I rise to support the motion. I submit that this House should deal with this motion in the same manner as was done with the Steel Protection Bill last Session, that is, that if the motion for reference to a Select Committee is agreed upon, this House will only have agreed to the principle that the textile trade needs to be and shall be safeguarded, leaving it to the Select Committee to put before this House subsequently the methods by which this end may be achieved. (Hear, hear.) It may be that one or more alternative schemes may be suggested.

**Mr. President :** You will perhaps have to change the Government of India Act before the Assembly can do so without the sanction of Government.

**Sir Victor Sassoon :** I am merely suggesting that the same procedure shall take place as took place in the Steel Protection Bill. If I remember aright, there was some alternative scheme. I am not suggesting that we should do any thing that was not done there. I propose, therefore, to confine my remarks to the principle that the industry is deserving of assistance.

The problem resolves itself into two parts. Firstly, whether the industry needs help and, secondly, whether it is to the advantage of the nation as a whole that such help should be given.

To my mind the first proposition is so self-evident that to defend it is like being called on to defend the thesis that the sun shines during the day and the moon at night. I do not propose to make a technical speech on the subject to-day. I will content myself with pointing out that the industry all over India, is so depressed that it cannot even pay its depreciation charges and is so living on its capital, that a large number of mills have had to stop working ; I think it is four in Bombay, 12 in Ahmedabad, and others in the mofussil, and that half the industry, the half which is situated in Bombay and the province of Bombay, if I may use the words of the Tariff Board, a body which no one can affirm has shown itself partial in any way to the textile industry, is in a critical position. Further on they say :

“ In view of the dangers financial and industrial which are inherent in the continuance of the present conditions, the case for as effective a measure of State aid as possible does not appear to us to require elaboration.”

That is the opinion of an official body of gentlemen who, as I have already said, have by no means shown partiality to the industry. There is in fact no question as to the needs of the industry. The real question which, I feel, concerns some of us more than others, but all of us to a great degree is whether the State aid offered will be sufficient when added to the efforts within the power of the industry to effect to save it without a change in the world conditions. If there is any doubt as to the question of the needs of the industry, I can elaborate the point for hours, but I will spare the House on this occasion.

Let me turn to what this House must consider as a dominant factor of the question. Admitting that the industry is in a critical situation, is the nation justified in making sacrifices to keep it alive ? Is its existence of importance to the country as a whole and the agriculturist in particular ? There is the perfectly sound argument that, though the consumer will benefit by the sale of bankrupt stocks during the death of the industry—eventually, the absence of internal competition will be taken advantage of by textile industries abroad and the consumer will have to pay as much in the end as if a protective duty had been put on and the local industry saved ; but I wish to approach the problem from a different angle.

We are told that the fertile lands of this country are not sufficient to carry the present-day agricultural population, that fragmentation due to surplus agriculturists stands in the way of efficient farming, that the new tracts brought in by irrigation are barely sufficient to satisfy the needs of the provinces in which those tracts are situated. We know that India is a prolific nation ; further, that sanitation, Baby Weeks and so on are all working for the reduction of the death-rate in the infantile and child population, which means, in other words, that the adult population in an already overcrowded land is going to increase at a faster rate than it is even doing to-day.

Now, what are you going to do with that increase in your population ? Your production of foodstuffs and produce is not increasing, so that your exportable surplus will be decreasing. Surely the only thing to do is to industrialise the country so that your surplus population will produce the

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manufactured articles which you need to buy in exchange for the foodstuffs and produce it now consumes, and which you used to export.

That seems to be a self-evident fact and so it follows that as it is always sounder and cheaper to keep an old-established industry using indigenous produce as its raw material going in bad times than to start new ones, you are justified in giving protection to an industry which employs a number of agriculturists and doing anything you can to encourage that industry to expand because that will be all to the good and your surplus population will then earn higher wages than it could at home by producing a commodity necessary to their food-producing brethren.

So far I do not think I have said anything which can be controverted. What I have said in effect is that the existence of a prosperous textile industry is essential to the well being of India in general, and that the protection of the industry justifies a sacrifice on the part of the consumer. But there is, I admit, one argument, one criticism, for which there is something to be said and which may be in the minds of Government, though it has never been publicly stated, and it is this. Is the country entitled, in seeking to protect an industry—is it entitled, in order to do that, to penalise the poorest class of consumer by putting an additional import duty, when the wage of the agriculturist is so much less than that of the mill hand? Is it fair to ask the man who may be earning as little as,—I think Rs. 4|8 was quoted as the lowest wage that an agriculturist has been known to work for. ....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you agree to that ?

Sir Victor Sassoon : I do not approve of that but I am informed that it is so and is the reason why some of them go to plantations at Rs. 6 and others serve on the railways at Rs. 8 a month. I am merely saying, is it fair to ask a man who is earning as little as this to pay even an anna more for his *dhoti*, because, if the proposed tax on yarn is passed on to the poor consumer (which I do not admit), because the lowest class does not use *dhoties* made of imported cloth, it would be an anna; I think the price is from  $\frac{3}{4}$  to  $1\frac{1}{2}$  annas according to the width of the particular garment he does wear.

The point is : is it fair, however little the increase is, to ask him to pay it when the minimum wage, at any rate in the Bombay part of the mill industry, is Rs. 18 a month and the average wage is Rs. 30 a month. I will only say that there is admittedly something to be said for such an argument. I am not asking the House to agree to this argument. I am asking them to reject it and to reject it for two reasons. In the first place, if they are going to uphold this argument, why did they not uphold it when they passed the Bill for the protection of the steel industry. There was the same position there. And there is even a stronger defence. If the mill industry goes to the wall, a number of men earning an average wage of Rs. 30 a month will have to go back to the country, go back to their people up-country and work on the land and thus compete with the already badly-paid agriculturist. Whereas if the industry prospers, more surplus agriculturists will be enabled to come into the industry and earn higher wages and at the same time relieve the congestion on the land and therefore perhaps make it impossible for anybody to have to try and exist on Rs. 4-8 a month. We, in the textile industry, do not want to

reduce the standard of living of the mill hand. On the contrary, we want to raise it and lower the costs of production by increased efficiency. But we must face the fact that, though I firmly believe this can be done, though I firmly believe it will come to pass, increased efficiency is not an easy task and it will take some time to carry out. And it is during this intermediate period that I suggest that, whatever is necessary to save the industry from extinction should be done. And, therefore, Sir, it is with some confidence that I ask the House to pass this motion to refer the Bill to a Select Committee on the clear understanding that it is only committing itself to the principle that the industry as a whole should be afforded sufficient protection to enable it not to make large profits but merely to continue existing without loss and to allow it to cover this depreciation.

**Mr. B. Das :** Sir, I congratulate the Honourable the Commerce Member on the very able defence of a very poor case. I don't know if the Honourable Sir George Rainy as the President of the Tariff Board would have brought forward similar arguments while arguing the case of the protection of the steel industry. But that we will have to discuss later on. Sir, it is known to all the Members of this House that I am a protectionist. And if I raise my voice against the present motion it is because of the fact that there is the scare-mongering news that the Bombay millowners had brought pressure to bear on the Government Benches and Government had brought forward hasty Bills for consideration before this House. There was no necessity of two Bills before this House. One Bill and the latter Bill was enough. But still it always happens, Sir, whenever these millionaires and multi-millionaires known as mill-owners in India bring forward anything in great agitation for consideration, the Treasury Benches, although they sit on the top of the Simla hills, bow their heads and bring forward measures which may not be compatible with the interests of the millions and millions of India. Sir, you belong to a part of the country and I belong to a part of the country that are in the greatest distress owing to the floods. We have appealed for help. We have had the sympathy of the Honourable the Leader of the House ; but has Simla been upset over it ? Have the Government come forward with any measures on their initiative to help the people of Gujarat ?

**Mr. President :** Order, order. We are not discussing the floods.

**Mr. B Das :** Sir, I bow to your ruling, but I was making a statement bearing on the fact that the agitation of a few capitalists appealed to the Honourable Members on the Treasury Benches more than the appeal of the crores of afflicted agriculturists in India. But, Sir, why this scare-mongering ? Why this panic on the part of the Government to bring this measure before this House ? The millowners are doing very well. They did so well that they over-capitalised their firms. Firms with 10 lakhs were over-capitalised into 50 lakhs, so as to get more profits by the system of managing agencies that is prevalent in India, and they deprived the shareholders and my friend Mr. Joshi's labourers of certain portions of their shares. I know the millowners have suffered recently, but that is partly their fault, and we have here such a panic that we are asked to legislate so that they will get a certain measure of relief for one or two years. Take the Convention that was introduced by the League of Nations. Well, the Government of India as the original member of the League of Nations can protest against it. There is no

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necessity for us to protect the millowners while millions and millions of people have suffered intensely. Sir, I have already observed that millowners would not have experienced these monetary losses which they are going through, had they not over-capitalised their industries. But that does not mean that the nation should come forward to-day to help them to raise a tariff wall against foreign countries. I appreciate very much my Honourable friend Sir Victor Sassoon's remarks about the agriculturist population in India. He may know that 20 to 25 crores of people in India are engaged in agriculture, and while I appreciate the concern of Sir Victor Sassoon, it is not the concern of one individual member which will bring relief to the agricultural class. I am happy to say that Lord Irwin is taking some interest in the agricultural classes and is endeavouring to bring relief to them. But you want to tear away the agricultural labourers from the open air, from the villages and the country, and bring them to the towns and make them sweat and live in the slums of Bombay. There are 10 or 15 millions of labourers employed in agriculture. It has been suggested by various public leaders who have agitated for this before that the tax on textile machinery should be removed. This delayed piece of justice to the Indian industry I appreciate and I thank the Government for it. But I do not appreciate the panic-mongering to put a tariff wall against cotton yarn. I personally do not want this Bill to be referred to a Select Committee. Why this hurry? Have the Government of India consulted the Provincial Governments? Industries is a transferred subject in the Provincial Governments. Has the Honourable the Commerce Member got their opinion there? Has he consulted the many lakhs of weavers that work as independent millowners like my friend Sir Victor Sassoon and my friend Seth Kasturbhai Lalbhai? They are also independent millowners. Have you consulted these industries as to how they will be affected by this measure? Why do you bring this measure so soon? There is no necessity for it. I understand the millowners waited in deputation on His Excellency the Viceroy and therefore the whole Government communique was changed and another communique was issued, and instead of a measure which Government in their first communique announced that they will abolish, and rightly abolish,—the duties on imported mill machinery—they are now bringing in another piece of legislation. I do not see the meaning of it.

Sir, I do not like again to go into the question of floods, but because my Honourable friend evinces so much interest in the teeming millions of agriculturists I refer to it. Millions are suffering owing to the floods. I have seen a statement in the Bombay papers how the millowners have subscribed to the flood relief. I have not seen one.....

(At this stage some Honourable Members behind Mr. B. Das were talking among themselves.)

**Mr. President :** I must call the Honourable Members to order.

**Mr. B. Das :** Sir, I have a serious charge to make against these millowners of India. They have done very little for the development of Indian industries, particularly the industries allied to the textile industry. The engineering industries in India have not thriven very much through

the help of the millowners. Each managing agent in Bombay and Ahmedabad is also agent for mill-stores. He imports the things from England and Germany and supplies them to his own mills and sells them also in the bazaar. But they have done nothing for the engineering industries and the allied industries. My second charge, and a very serious charge, against the millowners is that they have done nothing to foster Indian insurance in India. Sir, to develop Indian industries you want insurance and banking. I find that every millowner in Bombay—almost every millowner, I am subject to correction—is an insurance agent of a foreign insurance company. He not only insures his own mill in that insurance company, but he canvasses orders from other Indian industries. Thereby the Indian insurance companies have suffered. If the industrialists have neglected allied industries such as applied engineering industries and insurance companies in India, how is it that they come forward to-day on the floor of this House to ask for the sympathy of the Members of this House and of the millions of people outside this House?

**Mr. President :** Order, order. The House stands adjourned till Half Past Two of the Clock.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Mr. N. M. Joshi** (Nominated : Labour Interests) : It is a matter of great satisfaction to me that the Tariff Board have made an inquiry into the condition of the textile industry in this country. In the year 1925, when there was a strike in Bombay, I was pressing upon the Government to make an inquiry into the condition of the mill industry. At that time the millowners were not anxious to have that inquiry. I am glad that the stern facts of the situation compelled them to ask for an inquiry and an inquiry has been made. Sir, the textile industry in this country is a very important industry. Not only has a large amount of capital been sunk in this industry, but the livelihood of more than 367,000 people depends upon this industry. Not only that, but the capital invested in this industry, unlike several other industries, is Indian, as well as most of the supervision and direction is also Indian. Sir, the Report of the Tariff Board has made it quite clear that the textile industry in this country is at present passing through a period of depression. The majority of the factories in Bombay are not working at a profit but are working at a loss. Unfortunately, exact information as to the whole country is not available. We have got facts about the profits and the losses of the Bombay industry but not for the whole of the industry in this country. But it is also clear that in spite of this depression some factories, which are being prudently managed, are still making profits. There was one statement made by my Honourable friend Sir Victor Sassoon that some four factories were closed in Bombay. But, Sir, although it is true that these factories are closed, still the Tariff Board has made it quite clear that no factory which has been properly managed has so far gone into liquidation on account of the depression. This is what the Tariff Board says :

“ We are satisfied that no mill in India which could be regarded as run with fair efficiency and economy has been forced into liquidation as the result of the depression.”

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Sir, in order to understand the present position of the mill industry it is better to take stock of what the position of the industry was only a few years ago. The Tariff Board has shown that as far as Bombay mills are concerned from the year 1917-1922 they made a profit of 33.8 crores.

Out of these 33.8 crores 21.63 crores were distributed as dividends ; while the capital sunk in this industry in the year 1917 was only 7 crores, in the year 1922 it was 17 crores. Sir, it is quite clear that the industry made large profits and those profits have been imprudently distributed as dividends. If those profits had been conserved in order to consolidate the position of the industry, I am quite sure the millowners would have been able to pass through the present crisis more easily. Apart from that, there is another feature of the figures which I have now placed before the House, and that is the over-capitalisation of the industry. If you take the industry in the country as a whole you will find that the capital has been raised from 20 to 40 crores during the years 1917-1922. But although the capital has been increased, there is not a proportionate increase either in the number of spindles or in the number of looms. The increase in the total spindleage in all the Indian mills between 1918 and 1922 was from 65 lakhs to 72 lakhs ; while the increase in the capital, as stated above, was 96 per cent. the increase in the total spindleage was only 10.7 per cent. Now, if we take the figures in Bombay alone, the increase in the capital is much greater. The figures for 13 Bombay mills show an increase of capital amounting to 196 per cent. while the increase in the number of spindles was only 36.8 per cent. and in looms of 61.9 per cent. This shows, Sir, how the industry has been over-capitalised during the years 1917 to 1922. Now this over-capitalisation has a greater effect upon the cost of production, inasmuch as on account of it the mills have to pay higher insurance charges and a larger amount for depreciation charges. I estimate that the mills in India have to pay about 70 lakhs of rupees more for overhead charges on these two items.

**Sir Victor Sassoon .** Overhead ? Depreciation is not overhead.

**Mr. N. M. Joshi :** I call these overhead. Now, Sir, I do not wish to deal with this question at greater length. The Tariff Board has gone into the causes of the depression. They say that the causes of the depression are among other things, the reduction in purchasing power which is not confined to India but is common to all the world. The Tariff Board also suggests that the depression is due to the trade cycle which is inherent in a capitalist system, and unless we control the capitalist system we cannot get rid of trade cycles. The other cause for the depression which the Tariff Board has suggested is the competition of Japan, especially in yarn. The Tariff Board says that as far as competition in coarser cloth is concerned, Japan finds it difficult to compete with Indian cloth, and the chief factor which enables Japan to compete with Indian yarn is the worse labour conditions in Japan. The Honourable Member in charge of this Bill has explained the position of the factory law in India. I will not therefore go over that question. But, Sir, I am as anxious to see the labour conditions in Japan improve as any other Member ; and I had taken an opportunity of speaking on this question in the International Labour Conference in the year 1925. But I think it is better that we should be fair to Japan in this matter. I agree that Japan had an advantage over India in the matter of nightwork. But the Japanese labour



conditions as a whole are not certainly worse than the labour conditions in India. As far as the wages are concerned, the Japanese wages are higher than the wages in India. In the spinning department of Japanese textile mills the men get daily Rs. 1-12-1 and the women get Rs. 1-6-1. Not even men in Bombay get as much as women get in Japan in the spinning department. Then there is also another thing in which Japan has made an advance over us. Japan has got a sickness insurance law, and that Act is now being put into force. We have got no such law. After all, sickness insurance does cost something to the industry. Japan has got a law by which they have established public employment exchanges. I do not say that the establishment of the public employment exchanges cost very much, but still Japan is progressing in the matter of labour legislation.

**Sir Victor Sassoon :** Who pays ?

**Mr. N. M. Joshi :** For the exchanges, Government, and for the sickness insurance, the industry.

**Sir Victor Sassoon :** And Government.

**Mr. N. M. Joshi :** Therefore, Sir, although we must all wish that the Japanese labour conditions should improve, it is better that we should not exaggerate the inferiority of Japanese labour conditions very much.

Then, Sir, the Tariff Board has suggested that the lack of attention to markets is also one of the causes of the depression. It also suggests another important cause of the depression of the Bombay Mills, namely, competition with up country mills. As regards this competition the Tariff Board says that although up country mills have certain advantages over Bombay mills, the Bombay mills have also certain advantages over them. But the chief factor in which Bombay differs from up country is, in the opinion of the Tariff Board, the cost of labour, and it is on this point, Sir, that I wish to deal at some length. The Tariff Board suggests that although the higher labour costs in Bombay are not the cause of the depression in the industry, still the labour costs in Bombay, being in the opinion of the Tariff Board higher, have accentuated the depression. Now, Sir, when the Tariff Board says that the labour costs in Bombay are higher, we must understand what they actually mean. If the labour costs are higher, they are higher than what, or they are higher compared to what ? Sir, the Tariff Board has not made any comparison between the labour costs in Bombay and the labour costs in Lancashire or the labour costs in Japan or the labour costs in any other country. I think in considering the matter of tariffs, it was the duty of the Tariff Board to compare the labour costs of this country with the labour costs of those countries with which our industry is competing. Unfortunately, the Tariff Board has not done that, and that being so, it would have been much better if the Tariff Board had not expressed any opinion on the labour costs in India also. That was done very wisely by the Tariff Board in the United States. The Tariff Board there found that they had no figures about the cost of production in other countries, and therefore they wisely refrained from making any recommendation as regards tariffs. This is what the United States Tariff Board said :

“ The Commission has as yet made no investigation of the difference in costs of production of cotton cloths here and abroad and if such an investigation were to be made it could hardly be completed within less than a year. It is the general opinion.



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as stated by authorities in the industry, that domestic and foreign, particularly British, selling prices are to-day very close to actual costs of production, but in the absence of verified domestic and foreign costs of production required by section 315 of the Tariff Act of 1922, the Commission does not feel warranted in suggesting readjustments in the duties on cotton cloths."

Sir, our Tariff Board also. in the absence of information on this point, would have been wise if they had not made any criticism about the labour costs in Bombay. As a matter of fact, from the information which I have got, the labour costs in India are at least lower than the labour costs in Lancashire. The millowners themselves say that the labour costs in Bombay are 40 per cent. of the cost of production ; but I find that the labour costs in England are 57 per cent. of the cost of production. As a percentage of selling price, the labour costs in Britain are approximately 18 per cent. ; in Bombay labour costs are approximately 16 per cent. If the Tariff Board had made an enquiry, they would have found that the labour in Bombay is not so inefficient in relation to wages as the Tariff Board has suggested. Neither do the Tariff Board give any figures as regards the labour costs in Japan. Then, Sir, the wages in Bombay may be said to be higher as compared to the cost of living index. The millowners claim that the wages in Bombay during the years 1917 to 1922 have risen 70 per cent. in the case of those who receive fixed wages for the day and have gone up to 80 per cent. in the case of those who receive wages on piece work. Now, Sir, taking these figures as correct and taking it that the cost of living index is to-day at 156, we find that the real increase in the wages in Bombay is between 15 and 20 per cent., and this increase has taken place during the last 12 years, if not more, so that the yearly betterment of the condition of the workers in Bombay is between 1 per cent. and 2 per cent. If for the sake of argument we take it that the betterment in the condition of workers is taking place at the highest figure of 2 per cent. yearly. certainly that progress is not very fast. Supposing that at the present standard the workmen in Bombay are getting one-room tenements and if they are progressing at the rate of 2 per cent. every year, they will take 50 years to be in a position to occupy two rooms. If the standard of life of the workers in our country is going to progress so slowly, certainly there is not much hope for the people in our country. I wish, Sir, therefore, that the Tariff Board had not made any suggestion that the labour costs in Bombay are higher. As a matter of fact, the real wages are going up so slightly that they hardly give any benefit to the workmen ; and although it is true that the wages have not been reduced by the millowners as a whole, still individual mills are gradually reducing wages by various indirect methods. They can certainly reduce wages by asking them to make finer yarn or giving them finer yarn to weave cloth. Now, Sir, in this way the wages in Bombay are being reduced.

Now, Sir, there is another kind of comparison which may be made as regards the wages and that is, that the wages in Bombay may be considered higher than the wages in other occupations as the millowners claim them to be. But the verdict of the Tariff Board in this matter is quite clear. They say :

"The wages in other occupations have risen by a higher percentage than the wages in the textile industry in Bombay."

Then, Sir, there is a comparison of the higher costs of production between Bombay and up country. Now, in this matter, the House will agree with me that there is no wonder if the wages in Bombay are higher than the wages in Sholapur or in any other mufassil centre. The cost of living in Bombay is higher. Even Government recognises this fact and the Government employees in Bombay are paid higher than those in other mufassil towns. So there is no wonder if the textile workers in Bombay are paid higher than the textile workers in other centres. I can assure this House that the workers in Bombay, in spite of the higher wages which they get than the wages paid up country, are not happier than the people who are working in the mufassil or up country centres. Now, Sir, this disadvantage which Bombay has as regards the labour costs being higher than the labour costs in the up country centres is a permanent disadvantage unless the mills in Bombay choose to go out of that city. If the mills have to remain in Bombay, then certainly they have to find out some other method of competing with the mills up country. Then, Sir, the millowners also claim that the labour costs are increasing in proportion. They say that in 1914 the labour costs formed 37.81 of the cost of production and in 1924 they formed 40 per cent. Sir, the increase of the labour costs is found not only in Bombay, not only in India, but all over the world. Even in America the cost of production per pound of the cloth during the years 1911 and 1925 has gone up by 100 per cent. The cost of production per spindle has gone up similarly. Therefore, the labour costs in America have gone up compared to the other costs. Similarly, the labour costs in India have gone up as compared to the other costs. But in this matter it is not only the labour costs that have gone up compared to the cost of production, but the costs of the office charges and the supervision charges have also gone up much higher. The millowners themselves say that the labour costs are now higher by 211 per cent. than in the year 1914, but the office and supervision charges are higher by 215 per cent. and the interest charges by 216 per cent. So, the increase is not only in the labour costs but there is an increase in the office and the supervision charges and in the interest charge also. Sir, the fact is that the Tariff Board has very little material with it to make a proper comparison as regards the labour costs. The Tariff Board tried to get information on the cost of production in India but, whereas they sent out 70 forms, they got only 22 forms filled in, while the majority of forms were not returned to them. It is no wonder, therefore, that the Tariff Board was unable to make a proper comparison as regards the labour costs to the total cost of production.

These are some of the causes of the depression as given by the Tariff Board. The Tariff Board has suggested certain remedial measures. They have suggested certain internal economies. When I gave evidence on behalf of the Bombay Textile Labour Union before the Tariff Board, I suggested that it is quite possible to make some economies if the millowners will co-operate with each other in purchasing their raw material, fuel and stores.

But unfortunately the Tariff Board did not consider that much economy could be secured by this method. Sir, I still hold to my view that if the millowners, instead of competing among themselves, will co-operate with one another in purchasing raw materials and in purchasing their

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stores, they will certainly have an advantage when in competition with the capitalists of other countries. Sir, as regards the stores, my Honourable friend Mr. Das has already referred to the fact that if the mill-owners had cared, they could have built up in India a good mill stores industry, but they did not do that.

I shall now come to the suggestion of the Tariff Board as regards labour. The Tariff Board does not suggest, although it says that the labour costs are high, that the wages of the workers in Bombay should be reduced. The Tariff Board had seen something of the conditions of the Bombay millworkers and they could not suggest any reduction in their wages. I was also glad to hear that my Honourable friend Sir Victor Sassoon does not suggest such a reduction. I hope, Sir, that other millowners in Bombay will give great weight to what Sir Victor Sassoon has said this morning here. Sir, the Tariff Board suggests that the productivity of the workers in Bombay should be increased by asking the millworkers in Bombay to manage more spindles and more looms. This question is a very important question from the point of view of the interests of the workers engaged in this industry. I am not one of those people who would unconditionally oppose the increasing of productivity on the part of labour. If Indian labour is to compete with labour in other countries, I feel that Indian labour will have to produce as much as the workers in other countries produce. But, Sir, the problem is not quite simple. When you ask the workers to produce more or to manage more spindles and more looms, if you do not give them proper conditions, you will be sweating them, you will be speeding them up and there is always danger to the health of the workers when you begin to speed them up. There is also the danger of accidents increasing when you begin to speed up workers. But, if proper conditions are given, I am one of those people who feel that any proposals for increasing the productivity of workers in our country should be examined on their merits. The conditions, which I would suggest, should be fulfilled, before workers are asked to manage more spindles and more looms may be stated as follows. In the first place the factory conditions require to be altered if the workers are to manage either more spindles or more looms. In some cases, at least in Bombay, I have found that the workers have been asked to manage more spindles and more looms without making any alterations in the factory conditions. Then, Sir, it is quite necessary that if the workers are to manage more spindles and more looms that this change should be introduced gradually. When you introduce these changes, certainly there is danger of a large number of workers being thrown out on the streets as unemployed. If we are to avoid this calamity of people being thrown out of employment, then this change must be introduced very gradually. If a workman goes out, his place need not be filled up.

But it will be wrong on the part of the millowners in Bombay or  
 3 P.M. in any other place in our country to discharge men  
 if they find that there is no work for them on  
 account of the workers being asked to manage a larger number of  
 spindles and looms. I therefore think that if the change is introduced

gradually the danger of unemployment will be minimised and perhaps even may be avoided.

Then, Sir, there is one other important point. The millowners in Bombay, as well as outside, generally feel that it is beneath their dignity to hold consultations with their workers.

**The Honourable Sir Basil Blckett** (Leader of the House) : On a point of order, Sir. I would ask you to say whether the Honourable Member in travelling so widely over the subject is not out of order.

**Mr. President** : It is very difficult for the Chair in connection with this motion to decide what is really within the bounds of order. If the Honourable the Mover had confined himself in his opening remarks strictly to the principle of the Bill and not travelled beyond it by referring to all the recommendations of the Tariff Board, probably the Chair could have considered the point of order raised by the Leader of the House. The Honourable the Mover gave his reasons at some length why the Government of India rejected certain recommendations of the Tariff Board and this introduced matters which were outside the scope of the Bill, though not outside the scope of the Report on which the Bill is based. I must, therefore, give a certain amount of latitude to other Honourable Members. I hope, however, they will not abuse the indulgence given to them.

**The Honourable Sir George Rainy** : On a point of order, Sir. May I submit with great respect that I endeavoured to confine myself in my speech only to those recommendations which were directly connected with the safeguarding of the manufacture of yarn.

**Mr. N. M. Joshi** : I assure you, Sir, I do not propose to deal with this subject at a much greater length, but I hope you will show me the indulgence of enabling me to complete this part of my speech. I was saying, Sir, that if the millowners will hold consultations with their employees, it is quite possible that the employees will understand their motives.

**Mr. President** : Let me make it quite clear to Honourable Members that while I allow them to discuss the whole Report of the Tariff Board on this motion, I expect them not to follow the same course in connection with the next motion on the paper.

**Mr. N. M. Joshi** : I assure you, Sir, I will not make another speech on the subject in connection with the next Bill.

Sir, if the millowners will hold consultations with their employees, I am quite sure they will understand the millowners' object and they will also understand that it is to their interest that they should increase their productivity. Then, Sir, there is the question of the rates. If the workers manage a larger number of spindles and looms, the millowners expect that the benefit of the increased productivity should be shared by themselves with their workers. The workers naturally feel that they should get the whole benefit of their increased productivity. Now, Sir, I do not think there is anything unreasonable in the workers' demand in this respect. Even if the millowners do not get any benefit by way of reduction of rates, the millowners will certainly get some advantage by way of savings in overhead costs. The supervision charges will be reduced and the millowners in my judgment should be

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content with these savings. But, Sir, if the millowners feel that it is necessary that they should have some share in the increased productivity, I shall be quite ready to examine also this question with them.

There is one point, Sir, on which I wish to make one remark. In the whole of the Tariff Board's Report and in the representation of the millowners, there is a clear suggestion that the workers of India are less efficient than the workers in other parts of the world. I do not agree with this view. I believe that given the same conditions or at least similar conditions, the workers of India will be as efficient as the workers in any other part of the world.

If you to-day see that the workers in India do not produce as much as the workers in other parts of the world, it is because the conditions under which they work are dissimilar. In order that the Tariff Board should not make any damaging remarks about labour, I had suggested to them to recommend to the Government of India a very useful experiment. I said that if the millowners or the Tariff Board feel that the workers in India are less efficient than the workers in other parts of the world, let them make an experiment. Let them send 50 spinners and 50 weavers from Bombay, chosen by the Government, to Lancashire, and let these men work in the Lancashire mills for three months. If at the end of the third month it is found that the Indian workers produce less than the Lancashire workers, then I would readily admit that the Indian workers are less efficient than the Lancashire workers. But as long as you do not give them the same or even similar conditions, it is unfair to say that the workers in India are less efficient than the workers in other parts of the world. I hope, Sir, that the Government of India will be good enough to carry out my suggestion.

Then, Sir, there is one point to which I wish to draw the attention of the Honourable Member in charge of the Department of Industries and Labour, and it is the recommendation of the Tariff Board to him and to the Government of India that they should make an inquiry into the labour conditions in our country. The Tariff Board says that the examination made by them call for a comprehensive inquiry into the labour conditions which they themselves could not make on account of the restricted terms of reference. I hope, Sir, the Honourable Member in charge of the Department of Industries and Labour will carry out this important recommendation of the Tariff Board.

Sir, I do not wish to spend any more time on these labour matters. I know there are some people in this House who do not like to hear much about the labour conditions. I shall therefore now deal with another matter.....

Mr. President : The Honourable Member has taken more than 35 minutes. I hope he will now bring his remarks to a close.

Mr. N. M. Joshi : I hope you will now give me a few minutes more to deal with the other aspects of the Report of the Tariff Board. The majority of the Tariff Board besides making these recommendations have recommended a certain increase in the import duty on cloth, and they have also recommended a certain bounty to be given for the production of finer counts of yarn. Sir, I am very glad to find that the Tariff Board have suggested the grant of a bounty by way of protection. I had always held that the method of protecting an industry by means of a

bounty is much better than the method of protecting the industry by means of an import duty. But, Sir, it would have been much better if the majority of the Tariff Board had recommended that the amount required for the bounty should be collected from that class of people which is able to bear the burden of this tax. Unfortunately, the majority of the Tariff Board has suggested that the amount should be obtained by increasing the duty on cloth. Sir, although I do not approve of the method of protecting an industry by means of an import duty, still under the present circumstances I thought that, as the Government of India are bound by the recommendations of the Tariff Board, they would accept the recommendations made by that body. I was surprised therefore to find that the Government of India discarded the recommendation of the Tariff Board. Sir, on this point I do not wish to speak now any further as I have already taken more time than I ought to have done.

But, Sir, there is one point on which I must speak before I close, and it is this. Personally I am anxious that this industry should be protected. If it can be protected according to the methods which I approve, well and good. But if my methods are not generally accepted, I am quite willing on the occasion to accept the methods suggested by the Tariff Board. But, Sir, there is one condition which I would lay down and it is this, that the millowners in Bombay must recognise that when the industry is protected it is not only the capitalists or the shareholders who ought to be protected but that protection must also be extended to the workers engaged in that industry. I hope, Sir, when the industry gets some protection, the millowners will allow a part of that protection to pass over to the workers engaged in that industry. Sir, I thank you very much for the indulgence which you have shown in giving me such a long time.

**Mr. Jamnadas M. Mehta** (Bombay City : Non-Muhammadan Urban) : Sir, I associate myself with Sir Victor Sassoon in hoping that, as this Bill is based on the Report of the Tariff Board, which was appointed to investigate whether or not the cotton textile industry required any protection, it will be possible to consider in the Select Committee all methods of protection that are relevant under the Board's Report ; there is more than one precedent in this respect. As Sir Victor Sassoon observed, when the Steel Protection Bill was under consideration, we were permitted to go into the alternative question of bounty as against duty although the Tariff Board had turned down protection by bounty. Similar circumstances exist in this case and I hope that the observation which you, Sir, permitted yourself to make when Sir Victor Sassoon was speaking, was not the final ruling in this behalf.

Turning to the question before us, Sir, this Bill is in some respects a very remarkable and amazing piece of legislation. It is before this House as a result of the inquiry held by the Tariff Board and yet, its provisions fly in the face of almost every recommendation that the Tariff Board made ; what is more, it turns down Government's own decision on the Board's Report. The Tariff Board recommended protection both for yarn and cloth. It recommended several other things. Government in their Resolution of the 7th June 1927 said as regards one of these latter, *i.e.*, the scheme of the combined dyeing, bleaching and printing works in Bombay partly subsidised by Government, that the said question could not be decided without reference first to the Bombay Government. When we turn to the recommendation that the spinning of the higher counts of yarn should

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be stimulated by a bounty, we find that the Government do not accept it. They say that although the advantage to Japan in yarn is not covered by the existing duty of 5 per cent. an additional duty on yarn would prejudicially affect the handloom industry ; therefore there can be no further duty on imported yarn. As regards additional duty on imported piece-goods they state, though incorrectly,

“ On the facts found by the Board no case was made out for an increase in duty as a measure of protection.”

The only thing that they accept under their Resolution of June 1927 is the removal of some duty on the machinery and stores connected with the industry and then generally. Then there was the conference with millowners. We find from the Resolution of the Government of India, dated the 15th August 1927, that on re-examining the situation they still remain adamant on the question of any import duty on piece-goods. But although they first thought that any duty on yarn would prejudicially affect the handloom industry, they have now completely recanted that opinion and have come forward with a proposal to impose a specific minimum duty on yarn, and they have persuaded themselves that the handloom industry would not be affected thereby. Sir, this Bill is thus a remarkable measure. It turns down practically all the important recommendations of the Tariff Board and after declaring in June that a duty on yarn will prejudicially affect the handloom industry, Government within a little more than two months come out with a proposal to impose a duty on yarn. As the Bill is going to a Select Committee I do not propose to make any detailed observations on the amazing policy which the Government have adopted towards the Report of the Tariff Board, and therefore, towards the condition of the mill industry.

Sir, India is eminently fitted for the development of the textile industry ; given the necessary protection and help from the State, we should have long ago been able to clothe ourselves completely with the output of the indigenous mills and handlooms. But under the present Government we find that since 1883 up till to-day, in a period of 44 years, with every favourable circumstance in this country—cheap labour and material at hand and enterprising capitalists—we find that India does not yet supply all her requirements in the matter of clothes except to the extent of 42 per cent. only. I say, Sir, that if we had a real national Government we should long ago have been able to supply all our requirements in the matter of piece-goods from the output of our own mill industry. Sir, the manufacture of piece-goods is the second most important industry in the country, second only to the supply of food-stuffs. Yet we find that from the very beginning right up to the present moment the treatment of this industry by Government has been anything but sympathetic. Between 1883 to 1893 the mill industry began to show signs of prosperity ; but in 1893 the Mints were closed to the free coinage of silver, and as a result you find the trade of India with China in yarn slowly disappearing. In 1898, as the Tariff Board shows, the export of yarn to China, or the export of yarn from this country was 47.4 and within less than 30 years it has now been reduced to 4.7. It has approached the vanishing point in less than 30 years, not because the millowners were not willing to continue their trade with China, but because of the ill-fated policy of



exchange and the notorious  $3\frac{1}{2}$  per cent. duty ; the mill industry in India has ever since been handicapped in its competition with other countries. Even now the Government attitude remains the same. Having appointed the Tariff Board, which, as my Honourable friend, Sir Victor Sassoon rightly observed, has shown not the slightest partiality for the mill-owners, Government turn down the proposals of that Board for the protection of the industry whose claim to that protection is established beyond reasonable doubt. We will discuss this subject in the Select Committee, but I cannot help pointing out and protesting against their desperate endeavour to find an excuse for not accepting the Tariff Board's recommendation. I say that the Government have, in their desperate endeavour to find an excuse for not taxing imported piece-goods, shown a readiness wholly to misunderstand and wilfully to distort the statements of the Tariff Board and even to do violence to the English language. The Tariff Board have, amongst other things, said that they want to stimulate the production of yarn and also to protect cloth, and they propose a duty on piece-goods from the proceeds of which they recommend the payment of bounty on yarn. The Government interpret the recommendation of the Tariff Board for a bounty on yarn as the primary reason and of the import duty on piece-goods and the protection of the Indian piece-goods as secondary. I say, Sir, this interpretation of the Board's recommendation is a misrepresentation of their meaning and a violence on language. I shall now point out why I say so.

**The Honourable Sir George Rainy :** On a point of order, Sir. The point with which the Honourable Member is now dealing does not appear to have any connection with the proposal in the Bill to increase the duty on yarn, but it is entirely connected, I think, with the duty on piece-goods, which the Tariff Board proposes, and I submit, therefore, that it is out of order.

**Mr. Jamnadas M. Mehta :** I thought that the whole Report of the Tariff Board was under consideration, and I am taking one point only. In their letter to the Mill-owners' Association, dated the 15th August, the Government say :

“ It seems to Government that only one inference can fairly be drawn from this passage that with the majority of the Board the stimulus to the spinning of finer counts ranked first and they regarded the safeguarding of the manufacture of piece-goods as secondary.”

That the inference sought to be drawn by Government is wholly unfounded will be clear from the following passage where the Board say why they propose a duty on imported piece-goods. On page 299 the Board say :

“ The imposition of such a duty has a double advantage. It will not only assist the industry against unfair competition from Japan and afford relief against the maladjustment between costs of production and falling prices but will also provide the funds required to give a definite stimulus to the development of the industry on the lines we consider desirable.”

Here, Sir, they give the first place not to the stimulus to yarn but to the protection to cloth. The Government's object is to show that the Tariff Board regarded the stimulus to yarn as the first ; but in the passage quoted above the Tariff Board say that the stimulus to yarn is the secondary object. The fact is, as the Board have said, they



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had a two-fold object, namely, the protection of cloth and yarn and this is further made clear by the following passage at page 200 :

" We propose that the additional duty should be fixed at 4 per cent. We have adopted this figure for two reasons. In the first place it is the most suitable rate with reference to the cost of our proposals. The proceeds of such a duty if levied for three years will bring in revenue which is more than sufficient to cover this. In the second place it exactly offsets the actual advantage though not the advantage if a reasonable return on capital is also included in cost of manufacture which we have estimated that the Japanese industry derives from double shift working."

Now they mention cloth first, now yarn first ; that is all ; they mean to protect both equally. Here also the Tariff Board point out the two objects they have in view. Then, finally, on the same page the Tariff Board say :

" We cannot too strongly emphasise that the primary purpose of the duty we propose is to provide the funds required to stimulate the production of higher counts of yarn and to protect the production from unfair competition.".....

The Honourable Sir George Rainy : Not to protect " the protection " but to protect " that production ".

Mr. Jamnadas M. Mehta :

" To protect that production from unfair competition in the manner which in our view best avoids inflicting injury on other interests ; that is the outstanding argument for a bounty as against an additional duty on yarn."

Thus if we collectively read the statements of the Board their object of giving protection and stimulus not only to yarn but also to piece-goods will become quite clear ; practically in all the passages I have quoted the Board have mentioned these two things, the protection of piece-goods and the protection of yarn as the primary objects ; the primary and the secondary object are mentioned together on page 177 :

" Such a duty has in our view four advantages. In the first place it gives protection against unfair competition. In the second it avoids complications arising from discrimination against particular countries. In the third it enables funds to be found to give definite stimulus to the development of the industry on the lines we have considered desirable, and lastly, it obviates the necessity for certificates of origin which would be necessary to ensure that goods of foreign origin were not passed off as goods from any part of the Empire."

The House will thus see that there is no foundation for the Government saying that stimulus to yarn is the only object which the Tariff Board had in view ; the whole case in the Government letter to the mill-owners, dated the 15th August, saying that the Tariff Board recommended the bounty on yarn as the primary thing and protection to cloth as secondary absolutely falls to the ground. I hope, Sir, when the time comes for discussing this Bill in the Select Committee, the Commeree Member will realise that we ought to discuss the whole subject covered by the Report of the Tariff Board and not the single issue of protection to yarn. I support the motion for reference to the Select Committee on this ground.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, whether or not the mill-owners deserve the protection that they ask for now, in the face of what is attributed to them in the pages of the Tariff Board Report or what is attributable to them by Bengal,—I see that no Honourable Member from Bengal has

stood up and spoken on this motion as to how the mill-owners treated Bengal during the time of the War—I frankly admit that at this stage the Bombay mill-owners need protection because the Tariff Board has definitely found that the industry has sustained losses during the last three or four years and that some kind of protection is necessary. Speaking for myself I am not quite conscious of the extent to which the Bill before us will alleviate the depression in which the mills happen to be placed at present. I am concerned only with one phase of the Bill which has not been touched upon by any speaker so far. I would invite the attention of Honourable Members of the Select Committee to the important bearing which the provisions of the Bill proposed will have upon the handloom industry. Now, the Tariff Board in their majority report did distinctly find that any imposition of an additional duty on yarn would be undesirable because it would adversely affect the handloom industry. Another finding of the Tariff Board is this. In proposing their scheme of a bounty they say it is decidedly advantageous because the position of the handloom industry will not be much affected. I would invite the attention of the Members to this aspect of the matter when they discuss the provisions of this Bill in the Select Committee. The Honourable Mover of the Bill in discussing why it was that the Government chose to differ from the minority report put it on the ground that any question of a differential protective duty would be a first step in an economic war. I quite concede that position. But the Honourable Member in charge of the Bill was not quite convincing when he dealt with the Government's reasons for brushing aside the majority report. The Honourable Mover said that the bounty proposed by the majority report was inadequate and ineffective. If that is so, it would be very reasonable for me to ask the Government through their spokesman, the Honourable Member in charge of the Bill, to find out some better method of giving a bounty which might be more effective and adequate. That ground, therefore, I submit is not a good one for rejecting the scheme of bounty propounded by the majority in their report. Then it was next said that a long-standing industry like the textile industry of India does not deserve to be given protection, especially at the cost of the consumer. In this connection I would submit to the House that my conviction is rather deep-rooted that whenever a Committee or Commission is appointed by Government, they invariably so manage things—I will not use stronger language—that their settled convictions are eventually endorsed by the Committee's Report. I would refer the House to page 1 of the Report of the Tariff Board. In the reference made by the Government in the appointment of this Board I would refer you to sub-clause (4) of paragraph 2 of the Report, page 1 :

“ This Board to report whether, having regard to the fact that the industry has long been firmly established in India, and to the interests of the consumer and to all other interests affected.”

Now that fairly gave out what their intention was as to the attitude which must eventually be taken by the Tariff Board after examining the question. And the answer to that expectation is practically got through the mouth of Mr. Noyce, the Chairman. In the Minute of Dissent, paragraph 2, page 1—although the paragraphs are not numbered it is paragraph 2—Mr. Noyce observed :

“ I hold that a long-established industry like the textile industry in Bombay should need no stimulus at the expense of the general tax-payer to a development which is in its own interests.”

[Mr. M. S. Sesha Ayyangar.]

And now the same opinion is endorsed by the Honourable Mover of the Bill to-day. The identical sentiment was expressed by him. Now political economists know that even in the case of long-established industries they are liable to suffer in times of depression, because periods of depression invariably follow periods of boom. We have seen that in all Governments, including the British Government and the countries in the British Commonwealth, State aid was given after the War with a view to protection of industries suffering from depression, though the industries were long-standing. I submit, therefore, that that argument is unavailing. Lastly, it was said by the Honourable the Mover of the Bill that he has chosen to give the industry the benefit of the reduction of the import duty on artificial silk yarn. Now I have closely studied the Tariff Board Report and I do not know where in this long Tariff Board Report the Commissioners say anything about this artificial silk yarn, and I ask the Honourable Member to kindly give us the reason why he has made this proposal. I have been following his speech closely, and I found that he went on to suggest that the Indian handloom industry is badly in need of yarn of that kind, and that therefore it is that the Government propose to make that industry pay less duty. Now instead of answering the question myself, I would respectfully request the Honourable the Mover to tell us in his reply where he expects this artificial silk yarn to come from. If, as I dare say, he proposes to answer this question of mine, I submit we can understand the genesis of the introduction of artificial silk yarn into the list of less duty articles in this Bill. It was also conceded practically that the introduction of this artificial silk yarn in the list of articles on which less duty is being imposed now would also adversely affect the handloom industry, though, as he considers, it would not be serious; but I am fairly convinced that it would very seriously affect the handloom industry in this way. Once this duty on yarns is imposed, it will necessarily raise the cost of yarn. If that is raised, the handloom weavers would necessarily turn their attention to places from which they can get cheaper material. They would necessarily indent upon cheaper artificial silk yarn from whatever place that might be had. In that way they would prefer the imported article to the indigenous yarn produced in the country itself. That would certainly affect the handloom industry to that extent; and here is an instance where the counterfeit is placed in a more advantageous position, i.e., artificial silk, in preference to genuine silk. I submit that these points should be taken into consideration by the Select Committee.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I very much hope that no one in this House would question the genuineness of interest that I have always taken in industrial matters. And I trust that whatever I may say on this occasion, no uncharitable interpretation will be put upon it by my Honourable friends who may not agree with my views. Sir, the Honourable Mover, as also the Honourable Member representing the interests of the mill-owners of Bombay, in their very able speeches have omitted to mention one particularly important feature of the question now before us. It has been sought to be assumed that we are considering the question of protecting the industry of cotton textiles. I desire to point out that it is nothing of the kind. The Tariff Board has made it quite clear that the difficulties that the Bombay mill-owners find themselves faced with are not difficulties which are being experienced to

that same extent even in Ahmedabad, and as for the rest of India, as far as can be judged, the cotton mills are in a quite flourishing condition. In judging therefore of the merits of the question before us, we should remember that we are not discussing the interests of the cotton textile industry as a whole but only of a part of it. Sir, I find from certain statistics given by the Tariff Board that the number of mills in Bombay work out to a percentage of 28.8 to the number of mills in all India, and taking the number of spindles, the percentage works out at 41.7 to all India. Taking the production per year, the percentage stands at 38.2, and, in respect of cloth the percentage is 43 to the whole of India. I therefore say, Sir, that it is not quite right that when we approach this question we must give it that weight which is necessary in the consideration of the position of the entire textile industry of India. My Honourable friend Mr. Jannadas Mehta has already pointed out the inconsistencies of the Government case. He has particularly shown that although in their first Resolution they refused to raise the duty on yarn on the ground that the additional duty would affect prejudicially the handloom industry, they have in their subsequent Resolution gone back upon this position; and my Honourable friend Mr. Das in the earlier part of the debate very pertinently raised the question as to whether the Government of India had consulted the Local Governments as to what the effect of this change was likely to be on the handloom industry in the various provinces. On going through the evidence volume of the Tariff Board's Report I find that the Director of Industries, Bengal, was questioned on this particular point by the Tariff Board and he said as follows :

“ Increase of import duty on yarn will not be desirable in the interests of the handloom industry unless there is a *pro rata* increase of duty on imported cloth. To be on the safe side it will be desirable to have more than a proportionate increase in the duty on cloth.”

Similar observations have also been made by other Directors of Industries from other provinces. I find that the Director of Industries, Madras, holds the view that any increase in import duty on yarn would be prejudicial to the handloom industry of that province. He would, on the other hand, like to see the present 5 per cent. duty altogether removed. Furthermore, he made the observation that so far as the province of Madras was concerned, the handloom weaver was hardly making a profit at this time. Sir, when we come to the Director of Industries, Bombay—and he is an Indian—we find he holds the contrary view. He thinks the general effect of a higher duty on yarn would be to increase the price of cloth, but he thinks that people will come forward to support their own industry by paying about half an anna or one anna per yard. and he adds “ in the boom time the price was higher and yet nobody complained ”. Sir, I have too vivid a recollection of what the position was in Bengal during what is described as the boom time by the Director of Industries of Bombay. This was the period which coincided with the period of maximum profit which the Bombay mill-owners derived from their business and it was a period when the people of Bengal, most of them, had not sufficient capacity to buy their wearing cloth. People, as my Honourable friends from Bengal will bear me out, went about in rags and tatters. The condition of the lower middle classes was even much worse. They had to conform to a standard of civilisation, a certain standard of conduct, and yet their pecuniary position was absolutely hopeless; and instances are on record in which heads of families—not one, I remember there have

[Mr. K. C. Neogy.]

been at least two or three cases—heads of families who, having failed even to procure rags and tatters for the members of their family, committed suicide in order to escape humiliation and shame. Sir, that is the period to which this Director of Industries refers as the boom period when the price was higher and yet nobody complained. Sir, the Bombay mill-owner was driving in his Rolls Royce in those days, and but for the fact that the people in this country have got a traditional habit of putting up with their misfortunes without making any complaint, the mill-owners of Bombay would not have found it possible to drive their Rolls Royces in those days. Sir, my Honourable friend Sir Victor Sassoon refers to the national interests involved in this question. He refers more particularly to the desirability of establishing this industry on a firm footing. He refers to the desirability of industrialization of this country. Sir, so far as it lay within the limited power of my province we gave the mill-owners of Bombay a very good opportunity to do all this during the days of the Swadeshi agitation at great cost to ourselves, and what did they do? They frittered away their soaring profits in dividends. They did not lay by any share of those extraordinary dividends to meet the extraordinary circumstances with which they are faced to-day. Sir, if I have made these observations, it is more in sorrow than in anger. I would at once make it quite clear that I am not going to oppose this motion, but I do certainly think that the Government would be doing a very great wrong to the consumers if they were to accede to any requests for any higher protection in the Select Committee. I think the suggestions that have been made by my Honourable friends Sir Victor Sassoon and Mr. Jammadas Mehta amount to this that, although it may not be quite within the competence of this House, having regard to the rules which govern our procedure, to increase the measure of protection which this Bill seeks to give, it may be permissible in the informal atmosphere of the Committee to suggest some such increase. Sir, I give a warning to Government beforehand that, if they accede to any such request in the Select Committee in disregard of the interests of the consumer, they may not have the support of myself and some of my friends on this side.

Sir, there is another small point to which reference has already been made by Mr. Sesha Ayyangar, and that is with regard to artificial silk. My Honourable friend Sir George Rainy claims great credit for having reduced the duty on the importation of artificial silk. I come from a province, Sir, which at one time was very well known for its silk industry, and I very much regret to say that the position of the silk industry in Bengal is not quite as good as it was at one time. I should like my Honourable friend, Sir George Rainy, to examine very carefully as to what the effect of this reduction in the import duty of artificial silk is likely to be on the future of the silk industry of Bengal. Sir, in such matters I earnestly request the Government to consult the Local Governments and also the local public opinion before they embark on any tariff reform of this character.

**Pandit Hirday Nath Kunzru** (Agra, Division : Non-Muhammadan Rural) : Sir, the House having accepted the principle of protection cannot certainly be opposed to the basis of the Bill before us. Now, one need not be a capitalist or an apologist of the mill-owners to welcome the Bill as it has been introduced, although I do not think it will be sufficient to

enable the textile industry to tide over its difficulties. The Report of the Tariff Board, it seems to me, is a very impartial document. It does not propose additional protection blindly. It points out that there are certain world factors that are responsible for the present condition of the textile industry in Bombay. It also castigates the mill-owners and asks them to set their house in order.

But in order to enable them to help themselves and to carry out the suggestions made by the Board it recommends that the industry should be granted a limited protection for a certain period of time, both on the production of yarn and the manufacture of cloth. Now the first recommendation has been accepted by Government after a great deal of agitation on the part of the mill-owners. But so far as the second recommendation, namely, that with regard to the protection of manufactured cloth, Government have been unable to see eye to eye with the majority of the Board. Indeed they seem to me, in their Resolution, to accept the line of argument followed by the President of the Board in his dissenting minute. Now the main objection of Government to the acceptance of the recommendations of the Board with regard to the protection of cloth is that even accepting that Japan, because of the employment of female labour has a certain advantage over the textile industry of this country, the existing import duty is more than enough to cover it. Now, may I ask Government to consider on this point the opinion of the President of the Board, whose opinions they seem to have accepted in other respects.

“We are agreed,” says Mr. Noyce, “that an industry may legitimately ask for protection against unfair foreign competition beyond what is accorded to it by any existing revenue duty.”

Besides when the Tariff Board considered this question, it was aware of the fact that there was an import duty both on foreign yarn and cloth, and it is to be presumed that if it made certain recommendations it made them after a full knowledge of this fact and because it thought that the existing protection was not adequate. The report of the majority has laid stress on the fact that the textile industry is suffering, at any rate for the time being, from the effects of the rise in exchange. I do not wish, Sir, to revive the bitter controversy over exchange which we went through during the last Delhi Session, but if ordinary economic laws have any effect at all, I think it will be admitted even by the Honourable the Finance Member himself that a rise in exchange from 1s. 4d. to 1s. 6d. would destroy the protective effect of the import duties. In fact, if I am not mistaken, in the course of certain remarks which he made at a meeting held at the Delhi University on the subject, he expressly said in reply to those who objected to a rise in exchange that the existing import duties were not to be supposed to be protective and that it was therefore no argument against a rise in exchange that it would do away with the incidentally protective effect of import duties which were imposed primarily for revenue purposes. If the effect of the import duties has been destroyed by the rise in exchange, as I hold it has been, it is obvious that the argument of Government that the advantage which Japan enjoys over the Indian textile industry is fully covered by the existing import duty, cannot hold water. That effect of the duty on imported cloth, whatever it was, was temporary and has ceased to exist, and the question of the competition of the Indian textile industry with the Japanese textile industry should therefore be taken up on the same basis as that of protection to the spinning industry of India.

[Pandit Hirday Nath Kunzru.]

I think, Sir, reading the Report of the Tariff Board, that if it had been possible for Government to propose a duty merely on cloth made from counts between 32 and 40, they would have come forward as willingly to protect the cloth industry as they have come forward to protect the yarn industry. But, in view of the difficulty of finding out whether a certain cloth has been produced from yarn of a certain quality or not, and the fact that a general duty if imposed would hurt Lancashire also, they have refrained from proposing that protection to the textile industry which they have given to the yarn industry. I may be doing some injustice to the Honourable Member in charge of the Bill, but, considering the fact that the arguments for the protection of yarn and cloth are substantially the same, one can only think that, when confronted with the difficulty of protecting cloth made from yarn of certain counts only, Government did not take their courage in both hands and propose a general duty which would have fallen not merely only on cloth imported from Japan but also on cloth imported from England. I remember, Sir, a few weeks ago when Mr. Gandhi made the statement that Government were unwilling to impose a duty for the protection of cloth mainly in the interests of Lancashire, a European edited paper completely lost its balance and accused Mr. Gandhi of criminally and wilfully distorting facts, and in support of this accusation it came forward with the contention that the Lancashire industry in India had to compete as much with the Japanese industry as the Indian industry itself ; but it is obvious to anybody who reads the Report of the Commission that the 4 per cent. duty on imported cloth proposed by the Tariff Board would, if of a general character, have fallen not only on Japanese cloth but also on cloth of British origin. In view of this, it seems to me hard to controvert Mr. Gandhi's statement that if protection has not been given to the cloth industry it is primarily with a view to protecting British interests.

We would certainly all be in favour of giving that protection to the textile industry in Bombay which is proposed by Government, but we hope that the question will be discussed in all its bearings in the Select Committee. Whatever protection Government are willing to give will be welcomed by the textile industry for that would enable it to place itself in a better condition than that in which it is situated to-day. But frankly, Sir, even those of us who are on the Select Committee which will consider this Bill are bound to say that the measure, as it has been placed before the House, is not sufficient to enable the textile industry to become self-supporting.

Just one more point, Sir, before I sit down. Government, in considering the Report of the Tariff Board, seem to have taken up the position that they were not bound to propose additional protection for cloth unless it was shown, by an exhaustive comparison of conditions permanently prevailing in India and Japan, that the conditions in India were temporarily so unfavourable as to require additional protection. If they are of that view, it was open to them to appoint a Committee or a Board with wider terms of reference. Instead of asking the Board to confine itself merely to a consideration of the competition with Japan and other countries in certain respects they could have asked it to go into the whole question thoroughly and examine the very foundations of the Indian textile industry, and then to report whether the industry could be self-supporting, and if so, what help should be given to it



and for what period of time. But not having done that, they cannot now come and say that, as they are not fully conversant with all the facts, it is not possible for them to grant to the cloth industry the protection recommended by the Tariff Board. It is still open to them to appoint a Board with wider terms of reference, but in the meanwhile they must protect the textile industry here, so that if it is found, and I am sure it will be found, that it can become self-supporting, the country may not be put to greater expenditure than it would be put to if it is granted a limited measure of protection for three or four years.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I wish to occupy the attention of the House only for a few minutes, and I wish to associate myself with the suggestion made by my Honourable friend Sir Victor Sassoon, that in the Select Committee the whole question ought to be open for reconsideration, the question being whether the textile industry requires protection, and if so, to what extent and in what manner. The House has before it a precedent in this connection. When the Steel Protection Bill was referred to the Select Committee, a similar interpretation was put upon the preamble and scope of the draft Bill, and the whole question was referred to the Select Committee for their consideration. If that was necessary in the case of the Steel Protection Bill, Sir, I think it is far more necessary in the case of this Bill, and Honourable Members will be able to appreciate this if they follow very briefly my outline of the circumstances in which this Bill has come before the House. Now, what are the facts ? A few years ago the mill industry in Western India especially, as my Honourable friend Mr. Neogy rightly stated, was so prosperous that its promoters were riding in Rolls Royce cars. A few Members have spoken like my Honourable friend Mr. Neogy pointing out that Sir Victor Sassoon and his colleagues of the mill industry are now paying for their past sins, and I do hope that my friend Sir Victor and his colleagues of the mill industry will bear in mind the gentle castigation which has been given to them by Mr. Neogy and Mr. Das. But that is not the question before the House at the present moment, unless it intends, by a sort of *ad hominem* argument to penalise the mill industry for the sins of its promoters six years ago. The question at present before the House is a very broad and general one, whether a languishing national industry has to receive protection ; if so to what extent and in what manner. The mill-owners put their case time after time before the Government of India. They wanted an *ad hoc* committee of inquiry to go into the question how far, in view of unfair Japanese competition due to double shift and many other advantages which they enjoy in their own country, the textile industry should be protected against unfair competition which reduced their cost of production. The Government said that they would not give the mill-owners an *ad hoc* inquiry, and that they must go before a semi-judicial tribunal which had been established in the country, namely, the Tariff Board. The mill-owners, I understand, were extremely unwilling to open out all their secrets before this tribunal, but they ultimately consented to the Government proposal and laid before this body an amount of information which they have a right to complain exposes many of their professional and technical secrets to their competitors outside India. On that inquiry the Tariff Board has submitted a report. It cannot be said to be in any way a partial report or a report unduly favourable to the mill-owners. I have read that Report, Sir, with such knowledge as a layman like me can bring to bear on its reading, and I do hold—and I am



[Mr. M. R. Jayakar.]

sure my Honourable friends who have taken the trouble to read this Report will agree with me—that this Report considers the whole question in a very judicial manner without showing any partiality to the mill-owners. The question before the Tariff Board is stated briefly at page 1. It is *inter alia* to report whether the textile industry is in need of protection ; if so, in what form and for what period the protection should be given and to make other recommendations. Briefly stated, the recommendations of that Report were that the majority agreed that both yarn and cloth should be given protection, yarn in the way of bounties and cloth in the way of protective duties ; while the minority, consisting only of its President, Mr. Noyce, agreed that both yarn and cloth required protection, but he varied his verdict by confining the protection only to competition with Japan. But it is common ground between the majority and the minority that both yarn and cloth require protection. When that came before the Government of India, the Government in two communiqués explained their position, and I am bound to say, Sir, in perfect fairness and without being in any way partial to the mill-owners that, speaking for myself, I found some difficulty in following the logic which Government pursued in their communications. One such flaw in their logic has already been pointed out to the House by my Honourable friend Mr. Jamnadas Mehta. The Government in their communication have said that the Tariff Board have not made it clear whether the percentage of duty which is recommended by the Tariff Board is in addition to the duty of 11 per cent. which is the revenue duty or whether it is included in that. Personally, Sir, I find some difficulty in following this reasoning of Government, because I have found in the Report time after time sentences which make it perfectly clear that both the majority and the minority intended the protection to be given in addition to the 11 per cent. protective duty which existed on cloth and 5 per cent. on yarn.

**The Honourable Sir George Rainy :** If I might intervene for one moment, I think the Honourable Member is under some misapprehension. There was no doubt in the mind of Government that what the Board recommended was that the duty should be additional to the existing duties. That point was never in doubt.

**Mr. M. R. Jayakar :** I am very glad to hear that. Then the question is only this, and the Honourable the Commerce Member has very frankly stated in his opening speech this morning that, if it can be established that any indigenous industry is suffering from unfair foreign competition in this sense that a foreign industry of a similar character owing to its inferior cost of production due to advantages it enjoys in its own country is able to undersell the commodity in India, then certainly that commodity is entitled to the protection of the Government of India. If that is the principle on which the Government of India want to proceed, may I ask the Honourable the Commerce Member to look at a passage on page 50 of the Tariff Board's Report, where they clearly state in one paragraph that cloths coming from Japan, especially in some of the well-known qualities of shirtings, long cloth, etc., are underselling Indian fabrics in India. The Tariff Board have clearly stated it as their conclusion that :

“ Japanese manufacturers are supplying long cloth and shirtings which are only slightly inferior to Lancashire goods at prices which are distinctly lower than those of the latter and differ very little from the cost of manufacture of Indian goods to which their quality is distinctly superior.”

Paraphrased into plain English what the Tariff Board state as the basis of their recommendation which involved both cloth and yarn is that Japanese people are able to undersell in India cloth of indigenous manufacture. That cannot be denied. The Board further state that this underselling is made possible by unfair competition. If that is so, according to the principles stated by the Honourable the Commerce Member this morning, and which are the right ones to adopt, one fails to understand on what ground yarn alone is going to be protected and cloth is excluded from protection. Speaking of yarn, Sir, I met a technical expert in Bombay and I shall state his opinion on the present suggestions of Government which are embodied in the draft Bill. That opinion has been foreshadowed in an excellent note which the *Evening News* of Bombay published on the 16th of August 1927. There it is shown by calculation—a very careful one in figures—that speaking of the 1½ annas duty which the draft Bill provides for, and applying that duty to yarn which is at the present moment sold at 20 annas per pound, which I understand becomes nearest the 42s. count, the percentage of duty works out as 2.5 per cent. which is really no protection. On yarn which sells at present at 10 annas the proposed duty works out at 10 per cent. The figures are given in greater detail there in a table to which I shall invite the attention of the Commerce Member and it leads to the conclusion that as the price per pound of yarn goes up nearer thirty annas, the percentage of protection grows less and less, until when it reaches Rs. 1-14-0, it becomes 5 per cent. which is no more than the present rate. In other words, for higher priced yarn, yarn of higher counts, the revised proposal of Government affords little protection. Now take that, Sir, with the suggestion made by the Tariff Board. They say that it is these 42s. and higher counts which require special protection and the Tariff Board in their desire to give it went the length of perpetrating what may be called an economic heresy, quoting the opinion of the same body in their Report on Steel Protection, where they described “bounties” as an economic heresy. In the present case, however, they perpetrated such a heresy, because they thought that the needs of the occasion required it. Yet what does this Bill do? It gives those very counts of yarn very little protection. Therefore, I find, Sir, in Western India there is a strong feeling that the present Bill is unable to afford the mill industry that protection which it requires, and I submit, Sir, that as we have got a fairly large Committee on which there are members representing different schools of thought, the whole question ought to be kept open and we ought to have liberty to consider the entire question which the Tariff Board stated briefly, namely, whether the textile industry requires protection; if so to what extent, in what manner and for what period. I submit, Sir, that this would be a far more effective way of finding out the proper remedy for the disease which has now been admitted than to ask the Select Committee to consider a narrow cut-and-dry proposal embodied in the measure before us. I submit, therefore, that the Government should accept the suggestion of my Honourable friend Sir Victor Sassoon.

**The Honourable Sir George Rainy :** I should like, Sir, at the outset to say that, if in my speech in moving the motion which is before the House at this moment, I strayed beyond the bounds of what was strictly within the limit of the Bill I regret it very much, and if I have in any way rendered more difficult your task, Mr. President, of controlling the debate, that would be a subject of very deep regret to me. I hope I may

[Sir George Rainy.]

be allowed to say that that was no part of my intention. But what I felt was this. In the Bill we are proposing to take a certain course of action to carry out part of the object which the Tariff Board proposed to itself, and I thought I should be lacking in respect to this House if I did not state in some detail the reasons why the Government of India were unable to accept the recommendations of either the majority or the minority. I think I am right in saying that these were the only recommendations of the Tariff Board to which I referred, namely the recommendation for the bounty on the spinning of the finer counts of yarn and the proposed differential duty on yarn imported from Japan. The others I left untouched altogether. Usually, Sir, when the Mover is replying to the debate, he has to answer a series of arguments directed to showing that the House ought not to assent to the motion which he has placed before them. But during the course of the debate to-day, while I have heard a great many criticisms of Government—it is perhaps the common experience on such occasions—most of them, I think I am right in saying, were not advanced as reasons why the House should reject the motion to refer the Bill to a Select Committee. On the other hand, a good many of them were arguments for referring the Bill to a Select Committee on the understanding that it would then be open to the Select Committee to take the course of action they like. I shall come to them presently, but there are one or two other smaller points which I should like to dispose of first, and if I do not reply to-day to all the requests for information or all the arguments which have been addressed to me by Members in various quarters of the House, perhaps they will understand that I am anxious that I should not on a second occasion stray beyond the scope of the Bill. Some of the questions for example,—and here I was certainly to blame because I referred in my opening speech to the duty on artificial silk, and of course, anything said about that will come more properly into the discussion about the other Bill.

Mr. Jayakar attributed to me a statement of opinion in my speech to-day which I certainly did not intend to give. I hope I am repeating correctly what he said. I understood that he believes that I said that, if it could be proved that the cost of production was lower in some foreign country, that of itself was a sufficient reason for imposing a protective duty. May I ask if that is the opinion he was attributing to me?

**Mr. M. R. Jayakar :** I may not have properly heard the Honourable Member, but I was under the impression in the course of his speech, when he came to the middle of it, the Honourable the Commerce Member did say that if a case could be established by an indigenous industry that owing to unfair foreign competition leading to reduction of the cost of production, it was being undersold in this country, that would be a good ground for a claim to protection, not necessarily by a protective duty.

**The Honourable Sir George Rainy :** I am not quite sure to what passage of my speech the Honourable Member refers. I have been endeavouring to find from my notes what may have been in his mind. It is possible this sentence :

“Unfair competition is competition against which industries can ordinarily claim to be safeguarded, whether that arises from the action of foreign Governments or manufacturers, or, as in this case, from the restrictions imposed by the law of the country itself.”

I do not know whether that was the passage. However, that may be, if I did make so very unguarded a statement as the Honourable Member attributes to me, I must at once take this opportunity of correcting it. I do not think I actually did make the statement attributed to me, but if I did, it is obvious that it required to be limited by the qualification that the foreign competition must be due to some special cause in the case of what is called safeguarding duties. When we talk about unfair competition there is always some special ground alleged, such as dumping or bounties, or, as in this case, a difference of industrial conditions, when the industry in one country is subject to a restriction from which the industry in the other country is free. But I certainly never meant to commit myself to any general statement such as the Honourable Member thinks that I gave utterance to. The Honourable Mr. Jayakar also asked why, "since the conditions as to foreign competition are precisely similar in respect of cloth and of yarn, do we propose a higher duty in the case of yarn and not in the case of cloth". Well, I find it difficult to believe that the Honourable Member does not understand the Government view on that question, though I quite realise that he does not approve of it or agree with it. The whole distinction is merely this. If the unfair advantage at present prices is 10 per cent. the existing duty on yarn is only 5 per cent., and therefore unless it is increased it does not safeguard the industry against unfair competition, but as the duty on piece-goods is 11 per cent. it a little more than safeguards the industry. After all that is not a particularly obscure point.

Then I will turn to something that was said by Pandit Hirday Nath Kunzru. He attributed to the Government of India a somewhat docile adherence to the dicta of Mr. Noyce, the President of the Tariff Board. I can only say, if he was right in attributing this curious docility to the Government of India, there would have been no Bill before the House to-day, because Mr. Noyce's finding was that the disadvantage to the Indian mills was only 4 per cent. which is already covered by the 5 per cent. duty, and in these circumstances it is absurd, if I may say so, to say that in all matters we have been following Mr. Noyce, because in this rather important matter the opinion of the Government of India was not with him but with the majority.

**Pandit Hirday Nath Kunzru :** May I remind the Honourable Member that the disadvantage was 4 per cent. without taking into account the return on capital.

**The Honourable Sir George Rainy :** Exactly. He said that the return on capital ought not to be taken into account.

**Pandit Hirday Nath Kunzru :** He said it could not be accurately calculated.

**The Honourable Sir George Rainy :** The Government of India said that it ought to be taken into account. I think it is sufficiently obvious that the Government of India cannot fairly be charged with taking all their opinions from Mr. Noyce.

I come now to the point that was raised by Sir Victor Sassoon and which was referred to again and again by several of the subsequent speakers. Perhaps my Honourable friend Mr. Jayakar put it most clearly. He said that he intended to vote for the motion to refer the Bill to the Select Committee in the hope that it would be open to the Select Committee to

[Sir George Rainy.]

examine the whole question as to what extent and in what manner the cotton textile industry should be protected. Well, I find it difficult to see how the particular motion which I have moved can possibly be construed in such a very wide sense. I know that an appeal is made to the precedent of what took place at the time the Steel Industry (Protection) Bill was before this Assembly in Delhi. On that occasion Sir Charles Innes in winding up his speech when he moved the reference to a Select Committee said :

“ All I ask the House to-day is to accept the principle that further protection is required, everything else to be left to the Select Committee.”

The Bill, which Sir Charles Innes was dealing with on that occasion, was a Bill “ to provide for the continuance of protection to the steel industry in British India ”, that is to say, it was a Bill with a pretty wide scope. Now, when I moved my motion this morning I drew attention at the very outset to the fact that the scope of this Bill was limited, and that it had a single object, namely, the safeguarding of the manufacture of yarn in British India. I expressly said that it was not a Bill for the grant of protection in the general sense even to the manufacturer of yarn. Therefore, I should find the greatest difficulty in agreeing to what was suggested by Sir Victor Sassoon and was supported by other speakers. I cannot see how a motion to refer this Bill to a Select Committee can be construed as authority to investigate all the questions which arise in connection with the Tariff Board's Report. To come a little more closely to the point, Mr. President, the first submission I would make is this, that the Bill is a Bill to safeguard the manufacture of cotton yarn. Well, it seems to me quite clear that that limits the scope of the Bill to yarn only, and questions connected with piece-goods are beyond its scope. In the second place, the object of the Bill, as it is put in the Preamble, is to safeguard the cotton textile industry in British India against competition in cotton yarn produced under industrial conditions which enable such yarn to be produced at a cost below that at which it can be produced in British India. That is to say, it is quite a definite reference to safeguarding as opposed to the rather wider term “ protection ”. And in the third place, the Bill is a Bill to amend the Indian Tariff Act and does not purport to have any wider object. Now in the case of the original Steel Bill there was a provision for the grant of bounties. But the section empowering the Government of India to grant these bounties was not proposed to be inserted as an amendment in the Indian Tariff Act. The Indian Tariff Act is itself limited to provisions dealing with the levy of duties of customs on goods imported or exported by sea, and to provide for the levy of duties on goods imported into or exported from British India by land. Hitherto there has been no question of including in the Tariff Act any bounties or subsidies, and therefore, in view of the fact that this Bill is a Bill to amend the Indian Tariff Act, I would submit, Mr. President, that any question of a bounty scheme is outside the scope of the Bill. Apart from that, and to put it on broader grounds, I am asking the House to affirm, in voting for the Select Committee, that it is expedient to safeguard the cotton textile industry in British India against competition in cotton yarn produced under certain industrial conditions. I am limiting my request to that. I therefore propose to put it in this way, that the principle I ask the House

to affirm is that the manufacture of cotton yarn should be safeguarded and that it should be safeguarded by means of a duty. That follows at once from the fact that the Bill is a Bill to amend the Indian Tariff Act. I regret, therefore, that I am quite unable to accept the suggestion which was made by the Honourable Sir Victor Sassoon that the whole question of protection to the Indian textile industry should be regarded as open before the Select Committee.

(At this stage Pandit Madan Mohan Malaviya rose in his place.)

**Mr. President :** The Honourable Member is not entitled to make any speech at this stage.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I submit, Sir, that.....

**Mr. President :** Order, order. The Honourable Member in charge of the Bill has replied and, therefore, the debate on the motion is concluded.

**Pandit Madan Mohan Malaviya :** Would you, Sir, allow me to make one point. I submit, Sir, that on an occasion like this, when the Government Member replies to a specific request put forward by several Members of the House negating the request, Members of this House should be permitted to have an opportunity of answering.....

**Mr. President :** Order, order. The Standing Orders and the Rules are against the contention of the Honourable Member.

The question is :

“ That the Bill further to amend the Indian Tariff Act, 1894, in order to safeguard the manufacture of cotton yarn in British India be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshótamdas Thakurdas, Mr. W. S. Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. Duraiswami Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee be five and that the Committee be instructed to report on or before the 31st August 1927.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd August, 1927.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 23rd August, 1927.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### THE SOUTH AFRICAN AGREEMENT.

107. \***Diwan Chaman Lall** : Will Government make a statement as to the actual position to-day in regard to the South African agreement ?

**Mr. G. S. Bajpai** : With your permission, Sir, I shall state briefly the developments regarding the South African agreement that have occurred since Mr. Bhore made his statement on the subject to the Assembly on the 21st February, 1927. In May last, the Government of India appointed the Right Honourable V. S. Srinivasa Sastri as their first agent in the Union. Mr. Sastri arrived at Pretoria on 27th June, 1927, and after a brief halt there, proceeded on a short tour of Natal where, as Honourable Members are no doubt aware, the Indian element in South Africa is most numerous. Mr. Sastri has gone to Natal to familiarise himself with local conditions and to work for carrying out the programme of upliftment, especially in regard to education, which is part of the agreement. Honourable Members will be gratified to hear that so far Mr. Sastri's reception in South Africa by all sections of the community has been very cordial. (Applause.)

In order to assist Mr. Sastri, the Union Government have appointed one of their senior officials Mr. Venn, formerly Under Secretary in the Department of the Interior, to be Commissioner of Asiatic affairs. Mr. Venn is working in close and friendly co-operation with Mr. Sastri.

In accordance with the terms of the agreement, the bonus for Indians returning to India has been increased from £10 to £20 for each adult and from £5 to £10 for each minor. Up to the middle of July, 1,319 Indians had returned from South Africa to India. A special staff has been appointed in Madras with effect from the 1st August to meet Indians returning to that Presidency, and to help them to bank their savings and find occupation suited to their capacity and resources.

The legislation introduced in the Union Parliament to implement the agreement roused some apprehension among Indians in the Transvaal on the ground that one of its provisions, which authorised cancellation of certificates of registration, obtained by fraudulent means, would have retroactive effect. Their misgivings should have been set at rest by the assurance given in the Union Assembly by the Honourable the Minister of the Interior that retrospective effect will not be given to this provision, provided that the Transvaal Indians co-operate with the Government of the Union in carrying out the Cape Town agreement.



The Bill itself has now become the Immigration and Indian Relief (Further Provision) Act. The Government of India feel sure that the House will receive with satisfaction the assurance that the relations between them and the Government of the Union continue to be most friendly.

In conclusion, Sir, I would like to pay a tribute to Mr. Andrews for the great services rendered by him to the Indian cause in South Africa (Applause), especially during the interval that elapsed between the termination of the conference at Cape Town and the arrival of Mr. Sastri in the Union.

### RECOMMENDATIONS OF THE DELHI CONFERENCE REGARDING JOINT ELECTORATES.

108. \***Diwan Chaman Lall** : (a) Have Government seen the recommendations of the Delhi Conference regarding joint electorates ?

(b) Have Government decided to accept those recommendations, agreed to by the All-India Congress Committee, for future guidance in revising the constitution ?

**The Honourable Mr. J. Crerar** : (a) Yes.

(b) As far as Government are aware the proposals of the Delhi Conference have not yet been accepted by all the parties concerned.

**Mr. K. Ahmed** : Are Government aware that the conveners of the Delhi Conference and their supporters wanted simply to advertise their names in the newspapers so that the people might see that.....

**Mr. President** : **Diwan Chaman Lall**.

**Diwan Chaman Lall** : May I ask the Honourable Member whether it is the policy of the Government that any recommendations unanimously accepted by all parties should receive their consideration ?

**The Honourable Mr. J. Crerar** : No, Sir. We have not received any assurance that these recommendations have received even a partial acceptance among some of the most important interests concerned.

**Diwan Chaman Lall** : Is the Honourable Member aware that the recommendations have received the support of a large number of people in this country ?

**The Honourable Mr. J. Crerar** : Judging from the references to these recommendations in the press, it would appear that a considerable number of persons have endorsed the recommendations.

**Diwan Chaman Lall** : May I ask whether the Government is not desirous of introducing joint electorates in view of the condition of the country ?

**The Honourable Mr. J. Crerar** : That, Sir, is a matter which I think would be more appropriate for debate than for question and answer.

**Diwan Chaman Lall** : Have Government not made up their minds in regard to this question at all ?

**Mr. K. Ahmed :** Are Government aware that the Delhi Conference was neither constitutional nor formal and that the Muhammadans in all the major provinces, as well as other provinces, such as the Punjab, Bengal, Madras, Bombay and the North West Frontier Province, I believe, if I am not mistaken, have stated that they do not want joint electorates, and the conveners of these meetings and their supporters have said so in order to circulate their names in the sphere of politics and they are not really for the interests of their country and the community ?

**The Honourable Mr. J. Crerar :** In reply to that question, I have merely to say that I find it extremely inconvenient to be the channel for a controversy carried on between the Honourable gentlemen opposite and the Honourable gentlemen behind me.

**Mr. R. K. Shanmukham Chetty :** Do Government intend to convene a Conference of the leaders of various communities to settle the communal question ?

**The Honourable Mr. J. Crerar :** That again, I suggest, is a matter more appropriate for debate.

#### THE SKEEN COMMITTEE'S REPORT.

109. **\*Diwan Chaman Lall :** Will Government state what immediate action they intend to take in regard to the Skeen Committee's Report ?

**Mr. G. M. Young :** I am afraid the Honourable Member's question cannot be answered until final decisions have been reached on the recommendations of the Indian Sandhurst Committee.

**Diwan Chaman Lall :** May I ask how long it is likely to take before a final decision is reached ?

**Mr. G. M. Young :** I am afraid I cannot give any idea.

**Diwan Chaman Lall :** May I ask what the delay is due to ?

**Mr. G. M. Young :** I should not admit that there was any delay. Final decisions will not be reached until this House has been fully consulted. His Majesty's Government have also to reach their conclusions.

**Mr. A. Rangaswami Iyengar :** May I know exactly in what stage this matter is now ?

**Mr. G. M. Young :** If my Honourable friend will wait till the day after to-morrow, he will be informed in the course of the debate on this question.

**Mr. A. Rangaswami Iyengar :** Is there any particular harm in giving the information just now ? Are any interests of the State involved ?

**The Honourable Sir Basil Blackett :** I would suggest that it would be for the convenience of the House and of the Government if this matter were left to come up in debate in the ordinary course the day after to-morrow.

**Diwan Chaman Lall :** With your permission, I do not intend to ask the next question, No. 110.

† 110.\*

# RECOMMENDATIONS OF THE INTERNATIONAL LABOUR CONFERENCE REGARDING SOCIAL INSURANCE.

111. \***Diwan Chaman Lall** : Will Government state what action they intend to take in regard to the recommendations of the International Labour Conference in connection with social insurance ?

**The Honourable Sir Bhupendra Nath Mitra** : I am unable to say. Government have not yet received either the report of their Delegates to the Conference or the authentic copies of the Draft Conventions and Recommendations. When these are received the question will be examined.

**Mr. K. Ahmed** : Was not there any representative representing the Government of India and the people of this country in the Conference ?

**The Honourable Sir Bhupendra Nath Mitra** : I am sorry, Sir, I did not catch the Honourable Member's question.

**Mr. K. Ahmed** : It is very simple, Sir. Was not there any representative from India and on behalf of the Government—the Government of my Honourable friend—sent there, who must have been familiar with these questions, and must have informed the Honourable Member's Department about it ?

**The Honourable Sir Bhupendra Nath Mitra** : If the Honourable Member had kindly listened to what I said in reply to my Honourable friend Mr. Chaman Lall, he would have got the answer to that question.

**Mr. K. Ahmed** : Then what is the difficulty now, Sir, for the Honourable Member to answer the question ?

## RATIO OF MILITARY EXPENDITURE TO CENTRAL REVENUES.

112. \***Diwan Chaman Lall** : Will Government state (a) whether the answer given by Lord Winterton in the House of Commons when asked to give the ratio of military expenditure to revenue included the total of Provincial as well as Central Revenues ? (b) the exact ratio of military expenditure to Central Revenues ?

**The Honourable Sir Basil Blackett** : The answer to part (a) is in affirmative. As regards part (b) the ratio of net military expenditure to gross Central revenues in 1925-26 was 27 per cent. Complete figures are not yet available for 1926-27.

**Mr. A. Rangaswami Iyengar** : Does that include the revenue of the Railways and the other developmental revenues ?

**The Honourable Sir Basil Blackett** : The ratio of military expenditure to the gross Central revenues is the figure that I gave.

**Mr. A. Rangaswami Iyengar** : Does that include the Railway revenue ?

**The Honourable Sir Basil Blackett** : Yes, the Central Revenues include Railway revenues.

**Mr. A. Rangaswami Iyengar** : Will the Honourable Member kindly tell us what proportion the military expenditure bears to the actual taxation revenues of the Central Government.

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† Not asked by the Honourable Member. (Diwan Chaman Lall).

**The Honourable Sir Basil Blackett :** I would suggest that the Honourable Member should work it out for himself.

**Diwan Chaman Lall :** Is it not a fact that the figure that the Honourable Member wants my friend Mr. Rangaswami Iyengar to work out is somewhere near 47 to 48 per cent. ?

**The Honourable Sir Basil Blackett :** I once said that I could produce a figure of over 100 per cent. if I were asked.

**Diwan Chaman Lall :** Is that the method in which the finances of the Government are conducted ?

**The Honourable Sir Basil Blackett :** No, Sir. The method is as stated in my answer.

**Diwan Chaman Lall :** Will the Honourable Member give the ratio of military expenditure to net revenue in Great Britain ?

**The Honourable Sir Basil Blackett :** If the Honourable Member will put the question down, I shall consider whether I will answer it.

#### PLACING OF RAILWAY CONTRACTS WITH MEMBERS OF RAILWAY ADVISORY COMMITTEES.

113. **\*Diwan Chaman Lall :** Will Government state whether any members of Railway Advisory Committees have been given railway contracts ?

**Mr. A. A. L. Parsons :** Government have no information. But if the Honourable Member wishes to know whether appointment to a Railway Advisory Committee constitutes a bar to a member receiving a railway contract, the answer is in the negative. Nominations to these Committees are, as the Honourable Member is, I think, aware, made by various legislative and commercial bodies.

#### ACTION TAKEN AGAINST INDIANS BY THE RESTAURANT PROPRIETORS OF EDINBURGH.

114. **\*Diwan Chaman Lall :** Has the attention of the Government been drawn to the action taken against Indians by the restaurant proprietors of Edinburgh ? If so, what protest, if any, has been made by the Government of India ?

**The Honourable Mr. J. Crerar :** I invite the Honourable Member's attention to the answer I gave on the 22nd August 1927, to a similar question by Mr. Gaya Prasad Singh. The restrictions were withdrawn as a result of the action taken by the city authorities.

#### STATEMENT ISSUED BY MR. SUBASH CHANDRA BOSE IN REPLY TO LORD WINTERTON'S CHARGE.

115. **\*Diwan Chaman Lall :** (a) Have Government seen the statement issued by Mr. Subash Chandra Bose in reply to Lord Winterton's charge ?

(b) If so, is it a fact that many of the detenus are being detained in spite of there being no charge against them of complicity in any revolutionary crimes ?

(c) Will Government inform this House of the evidence alleged to have been examined by two Judges in the case of Mr. Subash Chandra Bose ?

(d) Will Government place all relevant documents on the table ?

**The Honourable Mr. J. Crerar :** Government have seen the statement. The answers to the remaining parts of the question are in the negative.

**Mr. Satyendra Chandra Mitra :** Is not the Honourable the Home Member aware that Government have recently styled these charges not as charges but as mere allegations when it was pointed out to them that these charges lack all the three essentials of a valid charge, namely, the definiteness as to time, the nature of the crime and the place of occurrence.

**The Honourable Mr. J. Crerar :** I missed the Honourable Member's point. Will he put his point a little more precisely ?

**Mr. Satyendra Chandra Mitra :** Is not the Honourable the Home Member aware that the Government no longer style these charges as charges but as mere allegations when it was pointed out to them that these wild allegations really lack all the three essentials of a valid charge, namely, the definiteness as to time, place of occurrence or the nature of the crime ?

**The Honourable Mr. J. Crerar :** No, Sir. I cannot agree with the Honourable Member that Government regard the charges as mere allegations.

**Mr. Satyendra Chandra Mitra :** Is it not a fact that now the detenus are not asked to answer the charges but are merely asked to explain the allegations against them ? Formerly they were asked to answer to the charges but now Government have accepted them as mere allegations and not as charges.

**The Honourable Mr. J. Crerar :** That is a point of detailed procedure of which I have not such means of direct acquaintance as the Honourable gentleman. Nevertheless, I do not think that the use of the word "allegation" in substitution for the word "charge" means or implies any difference in the attitude of the Government.

**Diwan Chaman Lall :** May I ask, Sir, whether the Honourable Member is aware of the definition of "charge" as given in the Criminal Procedure Code ? What is the definition of "charge" ? Does it not mean that in any criminal proceedings against a particular accused a definite statement should be made of the offence committed by him and the approximate time of the offence ?

**The Honourable Mr. J. Crerar :** The Honourable and learned Member raises this as a point of law. I feel that it is rather superfluous for him, a lawyer, to apply to me, a layman.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he is not aware that certain charges have been levelled against these detenus and that Lord Winterton said in the House of Commons that there is no specific allegation in regard to any criminal charge against these people and that therefore it is necessary for the Government to explain what "charges" have been levelled against these people ?

**The Honourable Mr. J. Crerar :** The substance of the Honourable Member's question appears to me to be this : whether, when the word "charge" has been used in the particular sense arising out of the question, it has been used in the precise legal and formal sense of the Criminal Procedure Code ? That, of course, is not the case.

**Diwan Chaman Lall :** Is it not a fact that these detenus are arrested under due process of law whatever is might be—it might be a lawless law ?

**The Honourable Mr. J. Crerar :** They are certainly arrested under the process of law.

**Diwan Chaman Lall :** Therefore am I not right in asking the Honourable Member that he ought to reply to my question in regard to the "charge" ?

**The Honourable Mr. J. Crerar :** I have already replied to the Honourable Member's question.

**Mr. A. Rangaswami Iyengar :** May I ask the Honourable Member whether the Government in dealing with these matters make absolutely no distinction between what are the allegations and what are the charges ?

**The Honourable Mr. J. Crerar :** There is nothing in what I have said which would justify the Honourable and learned gentleman in making this suggestion.

**Mr. A. Rangaswami Iyengar :** May I know, Sir, whether the Government have not definitely made this alteration in regard to inquiring from the detenus as to mere allegations where formerly they were stated to be charges ? I want a specific answer to my question.

**The Honourable Mr. J. Crerar :** I have already replied to that question and my reply was to the effect that I am not personally aware whether, when the question was actually put to the detenus, the word used was "allegation" or "charge". My point was that there is no essential distinction between the two words in that context.

**Mr. A. Rangaswami Iyengar :** Really !

APPOINTMENT OF LORD RONALDSHAY AS CHAIRMAN AND SIR MALCOLM HAILEY, AS A MEMBER OF THE STATUTORY COMMISSION ON REFORMS.

116. **\*Diwan Chaman Lall :** (a) Is it a fact that Lord Ronaldshay has been offered the chairmanship of the Statutory Reforms Commission ?

(b) Is it a fact that His Excellency Sir Malcolm Hailey has been offered a seat on that Commission ?

**The Honourable Mr. J. Crerar :** (a) and (b). Government have no information.

#### PRESIDENTS OF CANTONMENT BOARDS.

117. **\*Pandit Thakur Das Bhargava :** (a) Are Government aware that an Officer Commanding a station begins to discharge the duties of the President of the Cantonment Board of that station immediately or his assumption of the command ?

(b) Are Government aware that under section 18 of the Cantonment Act no member of the Cantonment Board can take his seat as such member unless he has taken the oath prescribed in that section ?

(c) Is it a fact that the oath in question is to be taken at a meeting of the Cantonment Board, and that in many Cantonments in the past, the Officer Commanding the station has commenced working as the President of the Cantonment Board without taking the oath in question ?

(d) Are Government prepared to consider the question of issuing instructions that the Vice-President of the Cantonment Board may discharge the functions of the President till the Officer Commanding the station has taken the oath at a meeting of the Board ?

**Mr. G. M. Young :** (a) and (b). Yes, Sir.

(c) Yes. Under the Act the President is bound to take the oath before he can preside at a meeting, but he can enter upon any of his other duties as soon as he becomes President.

(d) The question does not arise.

#### GRANT OF DEFINITE POWERS TO THE NON-OFFICIAL VICE-PRESIDENTS OF CANTONMENT BOARDS.

118. **\*Pandit Thakur Das Bhargava :** (a) Are Government aware that as far back as July 1926, His Excellency the Commander-in-Chief gave a definite assurance to a deputation of the All-India Cantonments Association that early steps will be taken to give some definite powers to the non-official Vice-President of the Cantonment Board ?

(b) Is it a fact that in spite of the above assurance no step has been taken by the Government so far in the direction indicated above ?

(c) Are Government aware that the All-India Cantonments Association has since repeatedly pressed this point on the attention of the Secretary, Army Department, Government of India, who has informed the Association that he will soon bring the amending Bill to the Cantonment Act before the Legislature, to make a statutory provision for the powers of the non-official Vice-President ?

(d) Are Government aware that the people of the Cantonments are anxiously waiting for this much-needed reform ?

(e) Do Government propose to bring the amending Bill in the Simla Session of the Assembly ?

**Mr. G. M. Young :** (a) and (c). The facts are substantially as stated by the Honourable Member.

(b) and (d). The answer is in the negative.

(e) A Bill is under preparation and will be introduced, if possible, during the current Session.

#### AGENDA OF BUSINESS OF CANTONMENT BOARDS.

119. **\*Pandit Thakur Das Bhargava :** (a) Are Government aware that in Ambala Cantonment and also in some other cantonments, the Executive Officer discusses the agenda of a meeting of the Cantonment Board with the President before the date of the meeting ?

(b) Is it a fact that as a result of this discussion, resolutions are framed about each item of the agenda and brought in the meeting in a cut and dried form for the acceptance of the Board ?

(c) Is it a fact that the President and the Executive Officer being invariably in possession of official votes, use these votes for getting these resolutions either accepted by the non-official members or passed by the official majority ?

(d) Are Government aware that the result of this procedure has been to throttle free discussion of the agenda in the meeting and to render the non-official voice absolutely ineffective ?

(e) Are Government prepared to stop this practice and direct that discussions about the items of the agenda of a meeting should be arrived at after the same have been discussed in the meeting of the Cantonment Board ?

**Mr. G. M. Young :** With your permission, Sir, I will answer this question as a whole. Government have no precise information, but it is clearly desirable that the Executive Officer who prepares the agenda should submit it for scrutiny and discussion, if necessary to the President, and if the latter chooses to prepare draft resolutions before the meeting, there is no objection to his doing so. Government are aware that there is an official majority on elective Cantonment Boards.

#### REST-HOUSE AT MANDAPAM ON THE SOUTH INDIAN RAILWAY.

120. \***Mr. M. S. Sesha Ayyangar :** (a) Has the attention of the Government been drawn to a letter regarding the Mandapam rest-house on the South Indian Railway, that appeared in the *Hindu* dated 28th May 1927 by Mr. Watrap S. Subramanya Iyer, High Court, Vakil, Madras, under the heading " Indian visitors and Mandapam rest-house " ?

(b) Have Government taken any action in the matter ?

#### RESERVATION OF THE REST-HOUSE AT MANDAPAM ON THE SOUTH INDIAN RAILWAY FOR EUROPEANS AND AMERICANS.

121. \***Mr. M. S. Sesha Ayyangar :** (a) Will the Government be pleased to state if it is a fact that the rest-house at Mandapam (South Indian Railway), a health resort, is exclusively intended for Europeans and Americans ?

(b) If so, what is the justification for this racial discrimination ?

(c) If not, are Government prepared to direct the South Indian Railway to delete Rule No. 71 from the current Time-table and Guide ?

**Mr. A. A. L. Parsons :** I propose, with your permission, Sir, to answer questions Nos. 120 and 121 together.

The Honourable Member's question first drew the attention of Government to this complaint, and they have made enquiries on the subject from the Agent of the South Indian Railway. According to rule 71 of the South Indian Time Table and Guide the use of the rest house accommodation at Mandapam was restricted to Europeans and Americans, but a separate rest-house with similar accommodation has now been provided at Mandapam for Indians, and rule 71 of the South Indian Railway Time Table and Guide is being amended.



**Mr. A. Rangaswami Iyengar :** May I ask, Sir, whether the rest-house that has been separately provided for Indians is of the same standard as the rest-house provided for Europeans and Americans ?

**Mr. A. A. L. Parsons :** I understand so. The information I have given has been supplied by the South Indian Railway, and I think the words that I used namely, " similar accommodation " were taken from their letter.

INCOME OF THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN FOR THE YEARS 1920 TO 1926.

122. **\*Mr. Mukhtar Singh :** (a) Will the Government be pleased to inform the Assembly, how much was the income derived by the Government from the Imperial X-Ray Institute, Dehra Dun, during the years 1920, 1921, 1922, 1923, 1924, 1925 and 1926 ?

(b) And also the number of cases treated by the Institute during the years above named ?

**Mr. G. S. Bajpai :** (a) Information is being collected.

(b) A statement giving the information required has been placed in the Library of the House.

EXPENDITURE ON THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN FOR THE YEARS 1920 TO 1926.

123. **\*Mr. Mukhtar Singh :** Will the Government be pleased to state the amount of recurring expenditure per annum on the X-Ray Institute, Dehra Dun, from the year 1920 to 1926, both years inclusive ?

**Mr. G. S. Bajpai :** A statement giving the information required has been placed in the library.

PRIVATE PRACTICE ALLOWED TO OFFICERS OF THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN.

124. **\*Mr. Mukhtar Singh :** Is it a fact that officers employed in the X-Ray, Dehra Dun Institute are allowed private practice ? If the answer be in the affirmative, will the Government be pleased to state the salaries of the officers who are allowed private practice ?

**Mr. G. S. Bajpai :** The medical members of the staff are allowed private practice in X-Ray work, subject to the condition that half the fees recovered from private patients treated with the aid of Government apparatus, material or staff, are credited to Government. The salaries of the medical staff are :

Superintendent	.. Rs. 1,350	plus	£30	Overseas pay,
				per mensem.

Assistant Surgeon	.. Rs. 575	per mensem.
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Sub-Assistant Surgeon	.. Rs. 175	per mensem.
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USE BY OFFICERS OF THE IMPERIAL X-RAY INSTITUTE OF GOVERNMENT APPARATUS AND MACHINERY IN THEIR PRIVATE PRACTICE.

125. **\*Mr. Mukhtar Singh :** (a) Have Government permitted the officers employed in the X-Ray Institute, Dehra Dun, to make use of the Government apparatus and X-Ray machinery for private practice ?

(b) If the answer be in the affirmative, will the Government be pleased to state how the above practice affects the income derived from the Institute ?

**Mr. G. S. Bajpai :** (a) The Honourable Member's attention is invited to the answer given to the first part of his last question. Government apparatus can be used for such practice at the institute provided that half the fees are credited to Government.

(b) Government get one half of the fees and the medical staff divide the rest among themselves. A statement showing the income derived by Government from this source for the years 1922-1926 has been placed in the Library of the House.

LEAVE ALLOWED TO MEMBERS OF THE INDIAN STAFF OF THE IMPERIAL X-RAY INSTITUTE AT DEHRA DUN.

126. **\*Mr. Mukhtar Singh :** (a) Will the Government be pleased to state the number of days for which members of the Indian staff of the X-Ray Institute, Dehra Dun, were allowed to take leave during the year ?

(b) Will the Government also state the number of holidays that are allowed to the servants and staff of the Institute ?

(c) Is it a fact that holidays are not allowed in the Institute to the Indian staff and servants even on gazetted holidays ?

(d) Are Government aware that the Indian staff is put to considerable hardship on account of the above stated fact ?

(e) Will the Government be pleased to state the number of days for which holidays used to be allowed to the Indian staff during the years 1923, 1924, 1925 and 1926 ?

(f) What is the number of days for which casual and privilege leave are allowed to the staff during the last four years ?

(g) Has it come to the knowledge of the Government that at the present time no privilege leave or casual leave is allowed to the staff even on medical certificate, thus entailing a great hardship on the Indian staff ?

**Mr. G. S. Bajpai :** (a) The Honourable Member has not specified the year, but a statement giving the information asked for the years 1926 and 1927 has been placed in the Library of the House.

(b) The staff are usually allowed the provincial and local gazetted holidays, a list of which has been placed in the Library.

(c) No. When pressure of work has made it necessary, Hindu members of the staff have been asked to work on Muhammadan holidays and *vice versa* ; but such occasions have been few.

(d) No.

(e) All gazetted holidays besides Sundays and Saturday afternoons were allowed.

(f) Up to 1925 casual leave as required and privilege leave, averaging about one month per person, were allowed to each person. In 1926 the practice of giving privilege leave was stopped owing to the number of holidays enjoyed by the staff. Orders have been issued directing the

Superintendent to grant privilege leave or leave on average pay as it is called, in accordance with the ordinary rules.

(g) Government understand that casual or privilege leave to sick-members of the staff has not been refused, except in one case, in which it was considered that the person who had applied for sick leave was not really sick.

**Mr. Mukhtar Singh :** Are the European members also not allowed the gazetted holidays ?

**Mr. G. S. Bajpai :** They are allowed gazetted holidays and so are the Indian members.

**Pandit Hirday Nath Kunzru :** The point is whether the European staff has been asked to work on gazetted holidays just as the Indian servants have been asked to work.

**Mr. G. S. Bajpai :** The Indian staff could not possibly have been asked to work at the Institute during the gazetted holidays if the European had not been there, because the Superintendent happens to be a European.

**Pandit Hirday Nath Kunzru :** The question is whether the European staff was asked to do work when the Indian staff was required to be on duty.

**Mr. G. S. Bajpai :** I shall invite the Honourable Member's attention to the actual composition of the staff which is given in the answer which I am going to give to the next question. The Superintendent and the Electrician are the only European members of the staff. There are no other Europeans on the staff.

#### NUMBER OF EMPLOYEES OF THE X-RAY INSTITUTE AT DEHRA DUN DRAWING MORE THAN RS. 200 A MONTH.

127. \***Mr. Mukhtar Singh :** Will the Government be pleased to state (a) the number of employees drawing more than Rs. 200 a month in the Dehra X-Ray Institute ? (b) How many of them are Hindus, Muhammadans, Anglo-Indians and Europeans and how much salary each of them draws ?

**Mr. G. S. Bajpai :** A statement giving the information required has been placed in the Library of the House.

#### TRAINING OF INDIANS IN THE USE OF X-RAY MACHINERY.

128. \***Mr. Mukhtar Singh :** (a) Are there any facilities provided for Indians to learn the use of X-Ray machinery ? If so, will the Government be pleased to state the arrangement made for such instruction and how many Indians undergo the training provided in the Institute ?

(b) Are the medical students in the Medical College, Lucknow, taught the use of the apparatus and machinery provided at the X-Ray Institute, Dehra Dun, and are they qualified to work as officers in the said Institute ?

**Mr. G. S. Bajpai :** (a) Yes. Two courses of instruction lasting two months each are given every year. To each course 40 candidates are admitted. 22 of these are military medical officers. The remaining seats

are primarily reserved for civilian officers nominated by Local Governments. If these latter are not filled, private medical practitioners, holding medical qualifications registrable in India, are admitted on payment by each student of a fee of Rs. 150 for a course. The class held from 15th September to 15th November 1926 was attended by 21 Indians ; the class held early this year by 24.

(b) The exact meaning of the Honourable Member's question is not quite clear. But if he wishes to know whether medical students of the Lucknow Medical College receive X-Ray instruction at the Institute as part of their course, the answer is in the negative. Nor are such students employed on the staff of the Institute *qua* students. As to whether they would be eligible to serve on the staff would depend on their qualifications.

#### DIVISION OF THE STAFF OF THE X-RAY INSTITUTE AT DEHRA DUN INTO INDIAN AND NON-INDIAN.

129. \*Mr. Mukhtar Singh : Are the officers in the X-Ray Institute divided into Indian and non-Indian staff ? If so, will the Government be pleased to state the reason for such distinction ?

Mr. G. S. Bajpai : The reply is in the negative.

#### SCALE OF FEES CHARGED AT THE X-RAY INSTITUTE AT DEHRA DUN.

130. \*Mr. Mukhtar Singh : (a) Will the Government be pleased to state the scale of fee prescribed to be charged from the patients who want to make use of the apparatus and machinery provided at the X-Ray Institute, Dehra Dun ?

(b) What facilities are provided to treat poor patients at this Institute and how is the poverty ascertained ?

(c) How many patients have been treated in the institute free of charge besides those who might have been officially sent there for treatment ?

(d) Is the record of every patient for whom the apparatus or machinery is used kept at the Institute ? If so, is an entry made about the patients who are under private treatment of the officials employed at the Institute ?

Mr. G. S. Bajpai : (a) Non-entitled patients who are treated in the Institute are charged fees according to the nature and extent of the X-Ray or Electro-therapeutic work required.

(b) Poor patients attending at the Institute are treated free of charge. The question of poverty is in each case investigated by the senior members of the staff.

(c) No record is kept of such patients.

(d) Records of all entitled patients only are kept in the Institute. A separate account of fees received from private patients is maintained.

#### REGULATION OF THE STORAGE AND HANDLING OF EXPLOSIVES ON THE SURFACE,

131. \*Mr. N. M. Joshi : (a) Has the attention of the Government been drawn to a statement on page 15 of the report of the Chief Inspector of Mines for 1925, that, at present, there are no rules under the Indian

Mines Act regulating the storage and handling of explosives on the surface?

(b) Will the Government of India be pleased to state why such rules are not yet made and when they will be made?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) Provision has been made in Chapter IX of the Indian Coal Mines Regulations, 1926, for the handling and storage of explosives on the surface.

#### ACCIDENT IN A MINE DUE TO NON-FENCING OF THE SURFACE.

132. \*Mr. N. M. Joshi : With reference to an accident mentioned on page 16 of the report of the Chief Inspector of Mines for 1925, due to non-fencing of the surface, will Government be pleased to state whether the person who had violated the Local Government rule was punished, and, if so, how?

The Honourable Sir Bhupendra Nath Mitra : There was not sufficient evidence to prove that before the accident occurred there was any reason to anticipate a subsidence of the surface : hence no one could be prosecuted for violating the Local Government's rules.

#### PREVENTION AND CONTROL OF UNDERGROUND FIRES IN COAL MINES.

133. \*Mr. N. M. Joshi : (a) Has the attention of the Government of India been drawn to the paragraph on page 9 of the report of the Chief Inspector of Mines for 1925, regarding underground fires due to spontaneous combustion and showing the urgency of tackling the problem of preventing these fires?

(b) Will the Government of India be pleased to state what steps they have taken to solve this problem?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) The Indian Coal Mines Regulations, 1926, require provision to be made to the satisfaction of the Mines Inspectors to prevent an outbreak of fire in a mine or the spread of fire to a mine from an adjacent mine. The Regulations also prevent a mine from being worked within a distance of 25 or 50 feet from the boundary of an adjacent mine. As stated by the Chief Inspector of Mines in his report fires may be prevented by hydraulic stowing, but under present conditions the universal adoption of hydraulic stowing is not economically possible, and Government would not be justified in endeavouring to enforce the adoption of measures of this kind.

#### PREVENTION OF ACCIDENTS IN MINES.

134. \*Mr. N. M. Joshi : (a) Has the attention of the Government been drawn to the statements on page 15 of the Report of the Chief Inspector of Mines for 1925, that 9 accidents resulting in ten deaths due to falls of ground and five accidents resulting in 8 deaths caused by the collapse of the sides had taken place during the period of the report and that practically all of these accidents could have been avoided?

(b) Will Government be pleased to state why steps were not taken to avoid these accidents ?

(c) Will the Government of India be pleased to state whether those owners of mines who were responsible for the accidents were prosecuted and if not, why not ?

(d) Will Government be pleased to state what punishments were awarded to those who were guilty ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Steps are taken to prevent accidents as far as possible but the prevention of accidents requires the co-operation of miners and others and about fifty per cent. of the total avoidable accidents in 1925 were attributed to the fault of the deceased.

(c) and (d) Prosecutions were instituted wherever possible and convictions obtained. The punishments varied from a fine of Rs. 20 to Rs. 500.

**Diwan Chaman Lall :** May I ask, Sir, whether the evidence of the deceased was taken after the occurrence ? (Laughter.)

**The Honourable Sir Bhupendra Nath Mitra :** The answer is obviously in the negative.

**Mr. N. M. Joshi :** May I ask the Honourable Member whether the punishment meted out is not inadequate ?

**The Honourable Sir Bhupendra Nath Mitra :** No, Sir ; so far as we are aware the punishments were mostly adequate.

**Diwan Chaman Lall :** May I ask the Honourable Member what is the usual punishment for murder ?

**Mr. N. M. Joshi :** May I ask, Sir, whether the Government of India have considered the question of punishment inasmuch as a fine of Rs. 20 to Rs. 500 cannot be held to be sufficient punishment for a crime which involves the death of several persons ?

**The Honourable Sir Bhupendra Nath Mitra :** Sir, that is a hypothetical question and involves an element of opinion.

**Diwan Chaman Lall :** May I ask the Honourable Member whether he considers that the life of an Indian miner is worth about Rs. 500 ?

**Mr. N. M. Joshi :** May I tell the Honourable Member, Sir, that my question is not a hypothetical question ? I ask Government whether they consider the punishment adequate in view of the fact that the punishment consisted only of fines varying from Rs. 20 to Rs. 500 for accidents in which the lives of several persons were involved.

**The Honourable Sir Bhupendra Nath Mitra :** The punishments are given under an Act of the Legislature and by people who are authorised to administer the Act. I am sorry, Sir, I am unable here to admit the correctness of my Honourable friend's allegation that these punishments are not adequate.

**Mr. K. Ahmed :** Are not the Government supposed to safeguard the interests of labourers and miners ? Have Government no liability whatever in the matter to the people of this country ?

## USE OF SAFETY LAMPS IN MINES.

135. \*Mr. N. M. Joshi : (a) Has the attention of Government been drawn to a statement on page 15 of the Report of the Chief Inspector of Mines for 1925, that an explosion causing the death of one person had taken place in a mine due to an ignition of fire-damp caused by an open light ?

(b) Will the Government of India be pleased to state whether they provide by rules under the Indian Mines Act that only safety lamps should be used in such mines ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) The Indian Coal Mines Regulations, 1926, require the use of locked safety lamps in a mine where inflammable gas is found or is likely to be found or where gas was found during the previous twelve months. In the mine in which the accident in question occurred gas had not previously been found.

## PROHIBITION OF THE USE OF OTHER THAN "PERMITTED EXPLOSIVES" IN COAL MINES.

136. \*Mr. N. M. Joshi : (a) Has the attention of the Government been drawn to a statement on page 10 of the report of the Chief Inspector of Mines for 1925, that the use of "permitted explosives" is safer ?

(b) Will the Government be pleased to state whether they will take steps to prohibit the use of other explosives in coal mines in securing greater safety to human life ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) Under the Indian Coal Mines Regulations of 1926 "permitted explosives" must be used in mines in which inflammable gas has, within the previous twelve months, been reported to be present.

## PREVENTION AND CONTROL OF UNDERGROUND FIRES IN COAL MINES.

137. \*Mr. N. M. Joshi : (a) Has the attention of the Government been drawn to the following sentence in the report of the Chief Inspector of Mines for 1925, page 9 :

"There is no doubt but that the problem of the prevention and control of underground fires in coal mines is one of the most pressing of the technical difficulties facing colliery owners."

(b) Will the Government be pleased to state what steps they have taken to prevent and control underground fires in coal mines ?

The Honourable Sir Bhupendra Nath Mitra : This question seems to be substantially a repetition of question No. 133 which I have already answered.

## EMPLOYMENT OF APPROVED TYPES OF COAL-CUTTING MACHINES IN MINES.

138. \*Mr. N. M. Joshi : (a) Has the attention of Government been drawn to a sentence in the report of the Chief Inspector of Mines for 1925, page 10, referring to one type of a coal-cutting machine having been found defective ?

(b) Will the Government be pleased to state what steps they have taken to get the types of machines to be used first approved by the Chief Inspector of Mines ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) Owing to the large number of designs of coal-cutting machines in use it is not considered desirable to require that every type of machine shall be approved by the Chief Inspector of Mines before it is employed in mines. The designs of the machines in use in India are in general satisfactory, and defects brought to the notice of managers by the Mine Inspectors are speedily remedied. Bye-laws are being made under section 32 of the Indian Mines Act for the guidance of operators of coal-cutting machinery and there were no fatal accidents due to coal-cutting machinery in 1926.

**FIRING BY CERTAIN EUROPEAN AND ANGLO-INDIAN EMPLOYEES OF THE BURMA OIL COMPANY ON INDIAN WORKERS IN MADRAS IN MAY 1927.**

139. \***Mr. N. M. Joshi :** Will the Government of India be pleased to state :

(a) the circumstances under which certain European and Anglo-Indian employees of the Burma Oil Company had fired on the Indian workers at Madras in May 1927 ?

(b) whether any enquiry by a Government officer was made into these circumstances and what is the result of the enquiry ?

(c) under what law these Europeans and Anglo-Indians were permitted to shoot at Indian workers ?

**The Honourable Mr. J. Crerar :** (a) and (b). The Chief Presidency Magistrate, Madras, held an enquiry into the matter and directed the prosecution of certain employees of the Burma Oil Company, who were alleged to have taken part in the firing. The Magistrate's order, which was read out in Court and has been reproduced in the Press, gave an account of the circumstances of the case. Government understand that the case against those who were alleged to have fired as well as the case against the strikers has been withdrawn on the initiative of the Oil Men's Union in consequence of the harmonious relations subsequently established between the employers and the employees.

(c) Presumably the defence would have been based on the provisions in the Indian Penal Code relating to the right of private defence. These provisions, as the Honourable Member is doubtless aware, apply to all communities alike.

**Mr. N. M. Joshi :** May I ask whether Government are justified in withdrawing a prosecution for a serious offence on the ground of the harmonious relations between the employers and the employees ?

**The Honourable Mr. J. Crerar :** The precise ground, I understand, on which the prosecutions were withdrawn was that the Oil Men's Union themselves desired it and that view was concurred in by the employers.

**Mr. T. C. Goswami :** Was any pressure put on the Union ?

**The Honourable Mr. J. Crerar :** There has been no suggestion of that nature.



**Diwan Chaman Lall :** May I take it to be the policy of Government that when a political murder is committed, provided the political murderers show willingness on their part, the Government will be quite willing to withdraw the prosecution ?

**The Honourable Mr. J. Crerar :** I do not think that question arises.

**Mr. N. M. Joshi :** I want to know whether Government are justified in withdrawing the prosecution in a serious offence like this ?

**The Honourable Mr. J. Crerar :** There is considerable substance in what the Honourable Member suggests and the Government of Madras took that point into careful consideration ; but in view of the desirability of not interfering once more with the relations of harmony which had been re-established they decided to permit the withdrawal of prosecutions on both sides.

#### NUMBER OF INDIANS EMPLOYED AS WIRELESS OPERATORS.

140. \***Mr. N. M. Joshi :** (a) With reference to the answer given to my supplementary question arising out of the reply given to my question No. 719 on the 4th March 1927, will Government be pleased to state what steps they have taken to increase the number of Indians (excluding Anglo-Indians) as wireless operators ?

(b) Will Government be pleased to state whether the number of Indians (excluding Anglo-Indians) working as wireless operators has been increased from *one* as stated in reply to my question No. 719 given on 4th March 1927 ?

(c) If so, what is the present number of Indians (excluding Anglo-Indians) working as wireless operators ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The matter is still under consideration.

(b) The Honourable Member has misunderstood the reply which I gave to his question on the 4th March. The figure " one " related to the *increase* in the number of Indian operators and not to their total number. Since that date one Indian wireless operator has been promoted and one has been reverted to traffic. From July 1st, 1927, 13 additional Indians have been under training as wireless operators, in connection with an experimental scheme for working Wheatstone between Madras and Rangoon.

(c) 11, excluding the 13 under training.

#### NUMBER OF STUDENTS RECEIVING TRAINING FOR GENERAL SERVICE AND STATION SERVICE IN GOVERNMENT TELEGRAPH TRAINING CLASSES.

141. \***Mr. N. M. Joshi :** Will Government be pleased to state the number of Government Telegraph Training Classes with the number of students receiving training for General Service and for Station Service, and stating the number of Anglo-Indian students studying for General Service and Station Service ?

**Mr. H. A. Sams :** There are no Government Telegraph Training Classes in which probationers for General Service and for Station Service are now receiving training.

TERMINATION OF AGREEMENTS WITH ANGLO-INDIAN SCHOOLS FOR CONDUCTING TELEGRAPH TRAINING CLASSES.

142. \***Mr. N. M. Joshi** : (a) Will Government be pleased to give the names of Anglo-Indian Schools with which Government is, at present, in agreement for conducting Telegraph Training Classes ?

(b) Will Government be pleased to state when the agreements with these schools will terminate ?

**Mr. H. A. Sams** : (a) (1) St. Fidelis' High School, Mussooree.

(2) Bernes High School, Devlali.

(3) Lawrence Memorial High School, Lovedale.

(4) St. Joseph's College, Coonoor.

(b) The question of terminating the agreement is now under the consideration of the Government of India.

PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

143. \***Mr. N. M. Joshi** : Will the Government of India be pleased to state whether the consideration of the question of establishing a Provident Fund for their employees has now been any further advanced than on 3rd February 1927 when a question on the subject was replied to by Government, and if it has advanced, to what extent ?

**The Honourable Sir Basil Blackett** : The question is being further considered in consultation with the Government Actuary but no final decision has yet been reached.

REVISION OF THE PENSION AND LEAVE RULES OF INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

144. \***Mr. N. M. Joshi** : (a) Will the Government of India be pleased to state whether they have finished the consideration of the question of revising the pension and leave rules for inferior servants of the Government of India ?

(b) If they have finished the consideration, will they be pleased to state the decision ?

(c) If they have not finished the consideration, will they be pleased to state whether it will be finished before the end of the year ?

(d) If not, when do they expect to come to a decision ?

**The Honourable Sir Basil Blackett** : The question is still under consideration. The Government of India are unable at present to say when the final decision will be reached.

SELECTION OF STUDENTS FOR THE GOVERNMENT TRAINING CLASS FOR WIRELESS OPERATORS IN CALCUTTA.

145. \***Mr. N. M. Joshi** : (a) Will the Government of India be pleased to state what is the method by which students for the Government Training Class for wireless operators at Calcutta are selected ?

(b) What steps are taken to secure students from all provinces ?

**Mr. H. A. Sams :** (a) and (b). The training classes in wireless at Calcutta are primarily arranged to train officials of the Department of Posts and Telegraphs in wireless to meet departmental requirements. Volunteers are obtained from suitable grades in the Department all over India and Burma and the most suitable candidates are then selected with due regard to efficiency and economy. In addition instruction is arranged on behalf of Local Governments and other bodies on payment of certain prescribed fees when departmental requirements permit. Permission has also been granted for the admission of a very limited number of private students at reduced fees but departmental requirements have not hitherto permitted the formation of special classes for this purpose.

#### AMOUNT OF CASUAL LEAVE GRANTED TO TELEGRAPHISTS IN BOMBAY CITY.

146. \***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) the maximum number of days for which casual leave is allowed in a year to a telegraphist in the Government Telegraph Department ;
- (b) the average number of days of casual leave actually given to telegraphists in Bombay City ?

**Mr. H. A. Sams :** (a) Twenty days.

(b) The average number of days of casual leave granted to each telegraphist in the Bombay City in the last official year is 16.

#### CASUAL LEAVE OF TELEGRAPHISTS.

147. \***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) whether it is a fact that telegraphists in the Government Telegraph Department find it very difficult to secure casual leave ?
- (b) If so, will they be pleased to explain why it is so ?

**Mr. H. A. Sams :** (a) No.

(b) Does not arise.

#### RETRENCHMENT IN RAILWAY WORKSHOPS AND CLOSING OF COTTON TEXTILE FACTORIES AND MINES.

148. \***Mr. N. M. Joshi :** Will Government be pleased to state :

- (a) How many employees of the various railway workshops were deprived of their employment on account of retrenchment during 1923, 1924, 1925 and 1926 ?
- (b) How many cotton textile factories were closed during the years 1925 and 1926 and the number of employees of these factories ?
- (c) How many mines in India have ceased to work during 1923, 1924, 1925 and 1926 and the total number of their employees ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) As a measure of retrenchment 782 men were discharged from the Bengal-Nagpur Railway workshops in 1923 and 367 from the Assam Bengal Railway workshops in

1923, 68 in 1924 and 41 in 1925. It is possible, though not very likely, that retrenchment was also the cause of the discharge of 69 men from the South Indian Railway workshops and 20 men from the Eastern Bengal Railway workshops in 1923, but I will obtain the exact facts if the Honourable Member desires. Other discharges in the years mentioned by the Honourable Member on these and the remaining State-owned Railways, except the Madras and Southern Mahratta Railway, were not due to a policy of retrenchment but to other causes, chiefly the re-organisation of the workshops or the fact that there was not sufficient work offering. The Madras and Southern Mahratta Railway have not yet supplied information on this point but it will be communicated to the Honourable Member as soon as it is received.

(b) The Government of India understand that six cotton textile factories were closed during 1925 and 11 during 1926 in the Bombay Presidency. The number of employees affected was 3,622 and 7,100, respectively. These figures include one mill which was burnt down.

The Government of India are not in possession of similar statistics for the rest of India.

(c) I lay on the table a statement giving the number of mines governed by the Indian Mines Act which were opened and closed annually in the period 1923—1926.

Information of the number of employees who were engaged in the mines which were closed is not available. But the total number of persons employed in coal mines fell by about 12,000 between 1923 and 1926 and the total number of persons employed in other mines rose by about 37,000 in the same period.

Year.			Closed.	Opened or re-opened.	Net reduction or addition per annum.
<i>Coal Mines—</i>					
1923	..	..	182	63	—119
1924	..	..	102	81	—21
1925	..	..	118	65	—53
1926	..	..	122	48	—74
<i>Other Mines—</i>					
1923	..	..	94	179	+85
1924	..	..	185	405	+220
1925	..	..	261	439	+178
1926	..	..	347	340	—7

#### FURNISHING OF STATISTICS ABOUT UNEMPLOYMENT IN INDIA TO THE INTERNATIONAL LABOUR OFFICE, ETC.

149. \*Mr. N. M. Joshi : (a) Are Government aware that on account of their having ratified a Convention regarding unemployment passed at the International Labour Conference at Washington they have undertaken the responsibility of furnishing the statistics about unemployment in the country to the International Labour Office and to establish Public Employment Agencies ?

(b) If so, will they be pleased to state how they have discharged their responsibility in this matter ?

(c) Are Government aware that a Committee appointed by the Governing Body of the International Labour Office has made comments on the conduct of the Government of India in this matter ?

(d) If so, will they be pleased to state what the comment is ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) In the manner explained to the Legislative Assembly by Sir Thomas Holland during the discussion of this Convention on 19th February 1921.

(c) and (d). The Committee commented on the position of India in respect of this Convention. It would take too long to read the whole of the Committee's observations, but I am sending a copy to the Honourable Member. After referring to the action taken in India the Committee added :

“ The Committee notes that the Government of India appears to have interpreted the Convention as only involving an obligation to create employment exchanges to the extent to which circumstances may render them necessary. Nevertheless the Office might be instructed to enquire whether the development of industry in India in the last few years may not have modified somewhat the situation which led the Government of India to decide the question of the creation of employment exchanges negatively.”

I may add that the Conference was informed that the Government of India would have no objection to an enquiry on the lines suggested.

#### HOURS OF WORK AND WEEKLY REST DAY OF RAILWAY EMPLOYEES.

150. **\*Mr. N. M. Joshi :** (a) Are Government of India aware that in ratifying the Conventions regarding the hours of work and weekly rest day, in industrial undertakings they have undertaken the responsibility of applying the regulations in the Conventions to such branches of the railway work as shall be specified for this purpose by the competent authority ?

(b) Will Government be pleased to state which branches of the railway work are specified for this purpose ?

(c) What steps they have taken for the enforcement of the regulations ?

(d) Have the Government of India enquired from the International Labour Office or from their own legal advisers whether their responsibility can be entirely fulfilled without passing legislation on the subject ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) and (c). For the purposes of the Convention relating to hours of work, the Government of India have specified, first, work performed by workshop staff except running and maintenance staff of power houses, maintenance staff in shops who can be classed as millwrights, and maintenance staff on outside work who are required to work on maintenance of electric installations, distribution mains, etc., and, secondly, work performed by station staff not employed in connection with the working of trains. Orders to this effect have been issued to railway administrations.

For the purpose of the Convention relating to the weekly rest day, no branches of railway work have as yet been specified. I should explain that the whole subject is now under consideration and with a view to

reducing to a minimum the classes of staff to be excluded from the provisions of these Conventions, the Railway Board have referred the matter to the Indian Railway Conference Association both with regard to the hours of work and with regard to the weekly rest day.

(d) The Government of India are examining this question in consultation with their legal advisers.

# REGULATION BY LEGISLATION OF THE HOURS OF WORK OF RAILWAY EMPLOYEES.

151. \*Mr. N. M. Joshi : (a) Are the Government of India aware that in Great Britain under the Regulation of the Railways Act, 1889, section 4, the Railway Companies are bound to submit statements to the Board of Trade regarding the persons in the employment of the Company whose duty involves the safety of trains or passengers and who are employed for more than such number of hours as may be from time to time fixed by the Board ?

(b) Are the Government of India also aware that under Railway Regulation Act, 1893, section 1, the Board of Trade has a right to regulate the hours of work of railway employees ?

(c) Are the Government of India prepared to consider the desirability and practicability of regulating by legislation the hours of work of railway employees both in the interest of the travelling public and of the employees themselves ? If not, why not ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) Yes, through the Railway and Canal Commission.

(c) I do not think Government can at present contemplate legislation beyond what may be found necessary to carry out any obligation involved by the ratification of certain international Conventions.

(1) MINIMUM AGE OF EMPLOYMENT AS STOKERS AND TRIMMERS, ETC.

(2) COMPULSORY MEDICAL EXAMINATION OF CHILDREN EMPLOYED AT SEA.

152. \*Mr. N. M. Joshi : (a) Are the Government of India aware that they have ratified Conventions of the International Labour Conference fixing the minimum age of employment as trimmers and stokers and for the compulsory medical examination of children employed at sea ?

(b) Will they be pleased to state what steps they have taken to enforce the regulations of the Convention and when they propose to introduce legislation for the purpose ?

(c) Will the Government of India be pleased to state when these Conventions were passed and when they were ratified and why there is delay in giving legislative effect to the regulations ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) Executive instructions have been issued by Local Governments to give effect to the provisions of both of these Conventions pending legislation in the matter which will be taken up when the Indian Merchant Shipping Act is next amended.

(c) These Conventions were adopted by the Third International Labour Conference convened in October 1921 and the ratifications of the Government of India were registered with the Secretariat of the League of Nations on November 20th, 1922. As already stated the necessary legislation will be undertaken when the Indian Merchant Shipping Act is next amended.

**Mr. N. M. Joshi :** May I ask, Sir, when the Indian Merchant Shipping Act is going to be amended ?

**The Honourable Sir George Rainy :** I cannot give an absolute pledge, Mr. President, but there are certain amendments which we should like to put through in the cold weather Session, and, if we find it possible to do so, then the amendments referred to in the answer to this question will also be made.

#### RULES REGARDING RECRUITMENT TO THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

153. **\*Mr. Anwar-ul-Azim :** Will the Government be pleased to state when the rules regarding recruitment to the Post and Telegraph Department as promised by the Member in charge of that Department during the last Delhi Session are likely to be out ?

**The Honourable Sir Bhupendra Nath Mitra :** The matter is under the consideration of Government.

#### INADEQUATE REPRESENTATION OF MUSSALMANS IN THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

154. **\*Mr. Anwar-ul-Azim :** (a) Are the Government aware of the fact that Mussalmans are very ill represented in the Post and Telegraph Department ? If so, what steps if any are the Government contemplating to take in the matter ?

(b) Do the Government propose to issue orders to make recruitment according to the numerical strength of each community in each Postal Division ?

(c) Do the Government propose to issue orders to reserve the first few vacancies in each Division for the Mussalmans so that the community may get a part of its due share in the Department ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The number of Mussalmans employed in the Indian Posts and Telegraphs Department represents about 20 per cent. of the staff.

(b) No.

(c) No. The Director General has, however, been instructed to issue general orders in accordance with the policy adopted by the Government of India on the subject of the representation of minority communities in the various services.

**Mr. K. Ahmed :** Is it not a fact that the Honourable Member has repeatedly promised in this House since 1924 and 1925, and when he came into the Assembly, that he is going to give effect to the statement in the declaration of Lord Reading and that he has not satisfied the Assembly hitherto that he has given appointments to Muhammadans up to the percentage mentioned in that declaration ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not understand the Honourable Member's question. I cannot find anything in the reply which I have already read out that Government are not acting up to the declarations of policy which they have made.

**Mr. K. Ahmed :** In view of the fact that the Honourable Member himself, reading an answer written out by his assistants probably in the Department, besides what he had promised previously, now says that only 19 per cent. of the appointments have been given to Muhammadans and not the adequate percentage mentioned in Lord Reading's declaration....

**The Honourable Sir Bhupendra Nath Mitra :** I regret, Sir, that it is not possible for me to instill intelligence into my Honourable friend over there. What I said was this : The number of Mussalmans employed in the Posts and Telegraphs Department represents about 20 per cent. of the staff. That does not mean that the recruitment of Mussalmans in the last two or three years has amounted to 20 per cent. of the vacancies. Moreover, the Honourable Member forgets that the 33 per cent. refers to all minority communities and not to Mussalmans only.

**Sir Hari Singh Gour :** Sir, I rise to a point of order. Is the Honourable Member in order in stating that he is not in a position to instil intelligence into an Honourable Member ?

**Mr. President :** That was merely by way of retort to the Honourable Member's own insinuation that the Honourable Member was reading the notes made by his clerk.

#### INFORMATION RELATING TO THE SILCHAR HEAD POST OFFICE AND THE SILCHAR HEAD RECORD OFFICE.

155. \***Mr. Anwar-ul-Azim :** 1. Will the Government be pleased to lay on the table the following information regarding (i) Silchar Head Post Office and (ii) Silchar Head Record Office, separately ?

(a) What are the grades of the Postmaster, Silchar and Head Record Clerk, Silchar ?

(b) What is the monthly average cash handled at Silchar Head Office and Silchar Head Record Office, separately ?

(c) How many direct subordinates are under the Postmasters, Silchar, and Head Record Clerk, Silchar ?

(d) What are the monthly average amounts of receipt and payment of the cash account of the Silchar Head Office and Silchar Head Record Office for which the Postmaster and Head Record Clerk are responsible ?

(e) What are the number and insured value of insured articles dealt with in the Silchar Head Office during 1926-27 ?

(f) What are the number and value of V. P. articles dealt with at the Silchar Head Office during 1926-27 ?

(g) Does the Head Record Office deal with any valuable except the work papers ?

(h) Is the Head Record Office required to deal with the public ?

2. What is the reason for fixing the pay of the Head Record Clerk at a higher figure than that of the Head Postmaster, Silchar ? Do Government propose to consider the question of removing this difference ?



**The Honourable Sir Bhupendra Nath Mitra :** (1) A statement containing the information asked for under heads (a) to (h) of the Honourable Member's question is laid on the table.

(2) A Head Record Clerk of the Railway Mail Service has heavy responsibilities other than those of a monetary nature. The reply on the second point is in the negative.

Office.	(a) Scale of pay of official in charge.	(b) Average monthly amount of cash handled.	(c) No. of officials directly subordinate to officials referred to under (a).	(d) Average monthly amount of receipts and payments.	(e) No. and value of insured articles for 1926-27.	(f) No. and value of V. P. articles for 1926-27.	(g) Whether Head Record office deals with any valuables.	(h) Whether Head Record office deals with public.
Silchar Head Post Office.	*175—10—225	4,16,580	34	4,16,580	Number 11,940 Value Rs. 11,21,787	Number 22,514 Value Rs. 6,20,241	..	..
Silchar Head Record Office, R. M. S.	*145—5—175—10—225	4,470	55	20,612	..	..	No.	No.

\* With effect from the 1st September 1927, the existing grades of Rs. 145—5—170 and Rs. 175—10—225 for non-gazetted Postmasters and other officials in post offices will be replaced by a single grade of Rs. 160—10—250, which will also be substituted for the existing grade of Rs. 145—5—175—10—225 for Head Record clerks, Head Sorters, Accountants, etc., in the R. M. S. and for the existing grade of Rs. 100—5—175 for Inspectors of Post Offices and of the R. M. S. It is, however, under contemplation to have a grade of Rs. 250—20—350 for Head Record clerks (of whom there are 19 in all), as there is already for non-gazetted Postmasters, etc.

#### GRIEVANCES OF POSTMASTERS.

156. **\*Mr. Anwar-ul-Azim :** (a) Would the Government lay on the table the result of the examination of the grievances of Postmasters in detail as represented by Sjt. Chandradhar Barooah, late Honourable Member of the Council of State, in September, 1925 ?

(b) Why could not the recommendation of Sjt. Chandradhar Barooah be accepted ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b) A detailed statement containing the desired information is being furnished to the Honourable Member.

PAY OF POSTMASTERS.

157. \***Mr. Anwar-ul-Azim** : Are the Government aware of the fact that the responsibility of Postmasters in respect of money, valuables dealing with the public and accounts is unique in the Department? If so, on what ground has their scale been fixed lower than the Head Record Clerks and equal to the Inspectors of Post Offices?

**The Honourable Sir Bhupendra Nath Mitra** : Government are aware that Postmasters have considerable monetary responsibilities and due allowance was made for this fact in fixing their pay. Monetary responsibilities are not, however, the only criterion for fixing an official's pay. The responsibilities of all kinds of a Postmaster in charge of one of the smaller head offices are not considered on the whole to be greater than those of an Inspector of Post Offices and are definitely less than those of a Head Record Clerk in the Railway Mail Service. With effect from the 1st September, 1927, no Head Postmaster will be on a lower scale of pay than Rs. 160—10—250 which will also be the scale of pay sanctioned for Inspectors of Post Offices..

PROMOTION OF POSTMASTERS AND INSPECTORS TO THE 2ND SELECTION GRADE.

158. \***Mr. Anwar-ul-Azim** : How do the Government propose to regularise the promotion of Postmasters and Inspectors to the 2nd selection grade?

**Mr. H. A. Sams** : Promotion is at present regulated according to the method prescribed in the Director-General's letter No. A.X.-127, dated the 2nd December, 1922, a copy of which is laid on the table.

*Copy of a letter No. A.X.-127, dated the 2nd December, 1922, from the Director-General of Posts and Telegraphs, to all Postmasters-General, and the Deputy Postmaster-General, Sind and Baluchistan.*

PROMOTION OF INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES TO THE SELECTION GRADES.

\* With reference to your reply to this office letter No. A.X.-127, dated the 21st April, 1922.

† With reference to the correspondence ending with your letter No. A.-29, dated 23rd September, 1922.

‡ With reference to your letter No. A.D.-1150, dated the 28th September, 1922.

I am directed to say that the Director-General considers that a definite method should be prescribed on the subject of promotion of Inspectors of post offices and Head Clerks to Superintendents of post offices in the time-scale of Rs. 100—5—175 to the selection grades. He has accordingly decided that with effect from the 1st December, 1922, the following revised orders should be acted upon in supersession of all previous orders issued on the subject :

- (i) In the event of an Inspector or Head Clerk to a Superintendent being reverted or voluntarily reverting to the general line, he will be given the position in that cadre that he would have held if he had never been appointed to the rank of Inspector. For this purpose Postmasters-General should keep a note of the proper position of each Inspector in the general line. It will not be necessary to publish this information in Circle gradation lists.

\* To all except P. M. G., By. and D. P. M. G., S. B.

† To P. M. G., By. only.

‡ To D. P. M. G., S. and B.

(ii) Inspectors and Head Clerks to Superintendents are eligible for promotion to the second selection grade of Rs. 175—10—225 along with officials in the general line according to their seniority to be determined in the following manner :

- (a) Inspectors and Head Clerks to Superintendents who attained this position *before the introduction of the revised scales of pay* will be ranked with the officials in the general line according to the dates of entry into their respective grades of Rs. 100—5—175 and Rs. 145—5—170. If the dates happen to be the same, seniority should be reckoned by the position held prior to the entry into these grades.
- (b) Inspectors and Head Clerks to Superintendents who attained this position *after the introduction of the revised scales of pay* will be ranked with the officials in the general line according to the date on which they reach the Rs. 145 stage of pay in their own respective cadres.

\* 2. This also disposes of your letter No. A.T.-2060, dated the 30th October, 1922.

#### PURCHASE OF STORES BY THE EAST INDIAN RAILWAY.

159. \***Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to a letter published in the *Forward* of Calcutta dated June 25 (Town edition), under the heading of "Government and Railway Supplies", in which Mr. Baijnath Bhotika of 63, Bartola Street, Calcutta, gives specific instances in which higher tenders of European firms for paint have been accepted by the authorities of the East Indian Railway in preference to Indian firms who quoted 50 to 75 per cent. less ?

(b) If so, will Government be pleased to state the reasons for such action ?

(c) Is there any truth in the observation made in the said letter that "Indian manufacturers get very few contracts from the East Indian Railway for the supply of goods and materials, even in the face of cheaper competitive prices" ?

(d) To what extent does the East Indian Railway make use of the Indian Stores Department in the matter of its purchases ?

**Mr. A. A. L. Parsons :** (a) Yes.

(b) I have obtained particulars of the cases mentioned by Mr. Baijnath Bhotika in his letter. The Tender Committee of the East Indian Railway rejected the lowest tender for lamp black, Prussian blue, ultra-marine blue, Venetian red and bath enamel green, because the firm tendering was not on the list of the Indian Stores Department as a supplier of paints, and in accordance with the recognised procedure their tender was in consequence not considered. The tenders of another firm, which were lower than those accepted, were also rejected because it had been recently found necessary to reject supplies from this firm. The lowest tender for white lead was also rejected because the firm was not known to the East Indian Railway Administration or to the Controller of Purchase of the Indian Stores Department.

(c) No. A very large number of contracts for almost all classes of supplies are placed by the East Indian Railway Administration with Indian firms. The East Indian Railway Administration is in no way interested in the nationality of the tendering firms, but merely in the prices quoted and in the suitability and reliability, as regards quality, of supplies offered.

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\* To P. M. G. only.

(d) The East Indian Railway entrust the Indian Stores Department with practically the whole of their purchases of cement, clothing, textiles such as paulins, cotton waste, cop bottoms and a large portion of their oil requirements. These purchases represent in the aggregate very large sums—over Rs. 34 lakhs in 1926-27.

†160. \*Mr. K. C. Neogy : I do not put question No. 160.

#### INDIA'S ANNUAL CONTRIBUTION TOWARDS THE COST OF THE IMPERIAL NAVY.

161. \*Mr. Gaya Prasad Singh : (a) Has the attention of the Government been drawn to the following Reuter's cable, dated London, 14th March, and published in the *Amrita Bazar Patrika*, dated the 17th March 1927 :

“ Earl Winterton said that the question of revising the Government of India's annual contribution of £100,000 towards the cost of the Imperial Navy would arise when the Indian Navy was in a position to perform an appreciable portion of the services in respect of which it paid the cost. The cost of the Indian Navy would be borne by the Indian revenues, but the total cost was not estimated to exceed the present cost of the Royal Indian Marine by more than relatively a small amount ” ?

(b) Are Indians eligible for appointment in the Imperial Navy ; and, if so, how many Indians are so employed ? If not, will the Government give reasons for giving a contribution out of Indian revenues ?

Mr. G. M. Young : (a) Government have seen the message.

(b) Indians are not eligible for appointment to the commissioned ranks of the Royal Navy. They are, however, eligible for employment on the East Indies stations as domestic and clerical ratings ; the Government of India are not aware of the number of Indians so employed. The annual contribution of £100,000 is made in consideration of the general and effective defence of Indian shores and the protection of Indian trade by the Royal Navy.

Mr. Gaya Prasad Singh : May I know, Sir, why Indians are not eligible for appointment in the commissioned ranks of the Royal Navy ?

Mr. G. M. Young : The Royal Navy, Sir, is a British force. Indians are not eligible for appointment to commissioned ranks in the Royal Navy any more than in the Royal Air Force or the British Army.

Mr. Gaya Prasad Singh : May I know, Sir, the reason why India is made to contribute towards the Royal Navy when her children are excluded from its commissioned ranks ?

Mr. G. M. Young : That question has been answered.

#### ENHANCED CUSTOMS DUTIES LEVIED ON INDIAN GOODS IN TURKEY.

162. \*Mr. Gaya Prasad Singh : With reference to the reply of Government to my starred question No. 1065 of the 8th March, 1926, have Government enquired as to whether Indian goods exported to Turkey have now to pay highly enhanced customs duties ? If so, will the Government be pleased to make a statement on the subject, and also indicate how far it is in agreement with the commercial convention with Turkey ?

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† Not put by the Honourable Member (Mr. K. C. Neogy).

**The Honourable Sir George Rainy :** The Government of India made the enquiry and as a result of representations made by them Indian goods are now accorded the benefits of the Turkish Commercial Convention.

**IMPOSITION ON AMERICANS, RESIDENT IN INDIA, OF DISABILITIES SIMILAR TO THOSE IMPOSED UPON INDIANS IN THE UNITED STATES OF AMERICA.**

163. **\*Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 1100 of the 8th March, 1926, regarding the imposition upon Americans, resident in India, of disabilities similar to those imposed upon Indians in the United States of America, will the Government kindly state if the examination of this question has been finished, and if so, what decision has been arrived at ?

(b) How many Indians are there in the United States of America, who have been affected adversely by the Supreme Court decision, and how many Americans are resident in India ?

**Sir Denys Bray :** As far as the Government of India are aware, the number of Indians who have so far been actually affected adversely by the Supreme Court decision is about 30. As these are only a small proportion of the total number, and as a process in the Courts now appears to be required in each separate case before a certificate of naturalization can be withdrawn or cancelled—a procedure which in the natural course and in the absence of any outside stimulus seems likely to check further cancellations—the Government of India do not consider it politic to proceed further with the suggestion in (a), at any rate for the present.

**Mr. Gaya Prasad Singh :** May I know what is the national status of those Indians who have lost their citizenship in the United States of America ?

**Sir Denys Bray :** I believe that that point has not been finally decided by any court of law, but His Majesty's Government have acted executively on the supposition that they return to British citizenship.

**DEFECTIVE CONDITION OF THE ROOF OF THE LEGISLATIVE ASSEMBLY CHAMBER BUILDING IN NEW DELHI.**

164. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the roof of the Legislative Assembly Chamber in New Delhi, from which a brick fell down while the Assembly was sitting, is under repairs ? What exactly is the defect in the roof, and what is the precise nature of the repair that is being done to it ?

(b) Is it true that even photographs of the work in progress are not permitted ? Will the Government be pleased to lay on the table the report of Mr. Brebner and other experts who examined the roof ?

(c) What is the total estimated cost of the repairs, and who is responsible for the defect ?

(d) Are Government aware that cracks have been discovered in some of the walls of the Assembly building in New Delhi ? Has the entire building been carefully examined, and what is the report of the experts on it ? Is the building reported to be absolutely safe ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The ceiling in the Assembly Chamber is not under repairs. A scaffolding has been erected in the Chamber to enable the ceiling to be carefully examined by the engineers in charge of the building. This examination has revealed the fact that there is no serious defect in the ceiling, but, as I have already explained, in reply to another question put by the Honourable Member, it is proposed to keep the ceiling under observation for some time and temporarily to fix under it wire netting.

(b) Government are not aware that the taking of photographs has been prohibited. They are not at present prepared to lay on the table the reports of the experts who have examined the building.

(c) Exact figures are not available, but the cost will be quite small.

(d) Government are aware that cracks exist in some of the walls of the Assembly building. These have been examined and reported on by experts, who assure Government that such cracks are to be expected and do not mean that the building is in any way unsafe.

**Mr. Gaya Prasad Singh :** May I know, Sir, what is the reason for Government refusing to lay a copy of the reports of those experts on the table ? What questions of high policy are involved in this ?

**The Honourable Sir Bhupendra Nath Mitra :** There are no questions of high policy involved, but the reports are being examined by Government.

**Mr. K. Ahmed :** Is there any means of recovering the cost of the repairs due to the defect in the roof from the builders or contractors ? Can Government find any ways and means to recoup the loss to the Indian revenue sustained on account of this roof not being properly built by the contractors ?

**The Honourable Sir Bhupendra Nath Mitra :** Sir, my Honourable friend's question presupposes that it is the contractor who is responsible for that accident.

**Mr. K. Ahmed :** We do not want to be addressed like a schoolmaster teaching his pupils. We all understand what the question is. What we want is an answer, if there is any.

#### APPOINTMENT OF MR. TYSON, I.C.S., AS SECRETARY TO THE RIGHT HONOURABLE SRINIVASA SASTRI.

165. **\*Mr. Gaya Prasad Singh :** Will the Government kindly state if Mr. Tyson, I.C.S., was appointed Secretary to the Right Honourable Srinivasa Sastri with the latter's previous consultation and approval ?

**Mr. G. S. Bajpai :** As Mr. Sastri had left it to Government to secure a suitable Secretary for him, the names of a number of officers were considered and Mr. Tyson, who appeared to be the most suitable, was invited to Simla to meet Mr. Sastri. Mr. Sastri saw Mr. Tyson in Simla and approved of the selection. Since reaching South Africa Mr. Sastri has written about Mr. Tyson in the highest possible terms.

## NUMBER OF PERSONS DETAINED UNDER REGULATION III OF 1818.

166. \*Mr. Gaya Prasad Singh : Will the Government kindly lay on the table a statement showing, Province by Province, the number of persons detained under Regulation III of 1818 ?

The Honourable Mr. J. Crerar : I have laid on the table a statement showing the number of persons detained in the jails of each Province under Regulation III of 1818.

## STATEMENT.

Madras	..	..	..	..	..	2
Bombay	..	..	..	..	..	1
Bengal	..	..	..	..	..	1
Burma	..	..	..	..	..	4
Assam	..	..	..	..	..	1

## ACCUSATION MADE BY RESPONSIBLE OFFICIALS IN INDIA AGAINST MR. S. C. BOSE.

167. \*Mr. Gaya Prasad Singh : (a) Has the attention of the Government been drawn to the allegation made in the House of Commons by Mr. Pileher, on the debate on the India Office Estimates, that :

“ Mr. S. C. Bose was the centre of the ganglion, which formed this conspiracy. The one object of the conspiracy was to assassinate the Governor of Bengal ”

and to the report that, when challenged by Mr. Saklatvala, Mr. Pileher replied that .

“ this had been said in public in India, many times, not contradicted, by responsible officials ” ?

(b) Will Government kindly state what responsible officials in India have made this accusation in public against Mr. S. C. Bose, or any other detenu ?

(c) What steps do Government propose to take to counteract this accusation ?

The Honourable Mr. J. Crerar : I have seen the official report of Mr. Pileher's speech, and find that it does not altogether correspond with the version given by the Honourable Member. The fact that Mr. Bose and the other detenus were placed under restraint on the ground of their participation in revolutionary conspiracy has been officially stated on several occasions. My predecessor, in February last, speaking in this Assembly on the general question of the repeal of Regulation III of 1818, mentioned that one revolutionary plot had been aimed at the life of the Governor of Bengal. I know of no public statement either here or in the Bengal Council to the effect that Mr. Bose was the centre of the conspiracy. The Government do not consider that the matter calls for any action on their part.

Mr. Satyendra Chandra Mitra : Is the Honourable Member aware that Mr. Moberly on the 24th February, 1927, in the Bengal Council said that these detentions in jail were merely preventive and that it was not for any commission of crime ?

The Honourable Mr. J. Crerar : I have not seen the passage in Mr. Moberly's speech to which the Honourable Member refers.

**Mr. K. Ahmed :** Is the Honourable Member aware that Mr. Pilcher, a Member of the House of Commons now, is the same Mr. Pilcher who represented the European community in the Legislative Assembly here and stated things which were not acceptable to this House ?

**Mr. Gaya Prasad Singh :** May I know what is the correct version of Mr. Pilcher's speech ?

**The Honourable Mr. J. Crerar :** If the Honourable Member will compare the version given in his question with the report of Mr. Pilcher's speech in Hansard, I think he will have no difficulty in seeing where the difference lies.

**Mr. T. C. Goswami :** Does the Honourable the Home Member endorse the statement of Mr. Moberly who, I understand, is Home Member in the Government of Bengal, when he said on the 24th February, 1927, " I would reiterate and emphasise that detention in jail is not resorted to in these cases " (*that is to say, cases of political prisoners*) " for any crime which a prisoner may be believed to have committed : the detention is partly preventive " ? And may I further remind the Honourable the Home Member of a statement which I made on the floor of the House in Delhi last winter, namely, that Lord Lytton had told me definitely that these detentions were of a purely preventive nature, that statement not having ever been contradicted ?

**The Honourable Mr. J. Crerar :** Before I could give any concurrence to, or express any dissent from, the views in either of these two speeches, it would be necessary for me to study them in detail and in their context, but as for the general proposition which appears to underlie the Honourable Member's question, I think it is undoubtedly the case that the measures taken in respect of detention are primarily in their object preventive.

**Mr. T. C. Goswami :** Does not the Honourable the Home Member think it desirable that when, on an important occasion like a debate in the House of Commons, the name of a man of the position of Mr. S. C. Bose,—a man for whom, whatever the Government may think, we have great respect,—is dragged into the debate, and he has been abused as having been the centre of a gang of conspirators, is it not proper that the Government should repudiate that statement ? Is it not only in the fitness of things that the Government of India should contradict Mr. Pilcher's libellous statement ?

**The Honourable Mr. J. Crerar :** In my reply to the original question I have explained as fully as it appears necessary that the Government do not consider that any action is called for.

**Mr. T. C. Goswami :** Shame !

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## THE CRIMINAL LAW REPEALING AND AMENDING BILL—*contd.*

**Mr. President :** The House will now resume further consideration of the following motion moved by Sir Hari Singh Gour on the 15th February, 1927 :

" That the Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, and the Code of Criminal Procedure, 1898, be taken into consideration."



**The Honourable Mr. J. Crerar** (Home Member) : Sir, I rise to oppose

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this motion. I do so under the disadvantage of not having had the privilege of being present in this House when this measure was first debated. I have, however, perused the proceedings very carefully and there are two points which I wish at the outset to make. Mr. Tonkinson, during the course of the debate, I observe, pointed out certain somewhat grave imperfections in the Bill, and I observe further that no adequate reply was given to his criticisms. They were treated rather as minor matters of drafting. That point I shall have subsequently to revert to. An Honourable gentleman opposite, in the course of supporting the Bill, said that he considered it proper that Government should not base their case upon minor considerations of drafting but should oppose it, if they had a case, on its merits. Now, Sir, I think that is a very reasonable invitation and I propose now to accept it and to oppose the measure on its merits.

Sir, it will be within the recollection of Honourable Members who were present at that debate that the Honourable the Mover placed very great reliance upon the Report of the Committee known as the Committee on Repressive Laws and he made two suggestions which it is necessary for me to correct. The suggestion contained in that part of the Honourable Member's speech, which appeared to be one of the main grounds on which he moved this measure, certainly the general impression which would undoubtedly be gathered from it, was that the Committee on the Repressive Laws had recommended the repeal of this Act, and that Government, who had given a general endorsement of the recommendations of the Committee, have, in so far taking no steps to repeal the Act, been guilty of something like a breach of promise. Now, Sir, I must ask the House to bear with me, because this is a very important point, when I proceed to point out that such a representation of the case is extremely inaccurate. At any rate it has a very remote and precarious contact with the facts. The truth of the matter is that the Committee expressly refrained for very good and very weighty and very deliberate reasons, from making any such recommendation as the Honourable Member suggested they had made. They not only spoke in the course of their well-considered Report with some degree of approval of the Act itself but also of the manner in which it had been applied, and as the Honourable and learned gentleman relies so much on the Report of this Committee, it is necessary for me to recall to the recollection of the House in some detail what the Committee actually had to say on this matter. Their first reference to the Act is in the following terms :

“ There remain then two Acts, the Indian Criminal Law Amendment Act, 1908, and the Prevention of Seditious Meetings Act, 1911. It is around those two Acts that controversy has centred and regarding which we have been careful to obtain a full expression of opinion. These Acts also differ from those to which we have already referred in that, while the Committee was sitting, they were actually being used in the Punjab, Delhi and the United Provinces. The evidence of some of the witnesses goes to show, that their effect was beneficial and that their application was necessary to maintain public tranquillity. It is affirmed that local officers responsible for the maintenance of peace and order would, under existing conditions if these Acts were repealed, find themselves in an impossible situation faced, it might be, with disorder on a large scale which they could not prevent. The application of these Acts moreover is subject to safeguards which ensure that sanction to their introduction is only granted after careful scrutiny of the necessity for such action. The Local Governments are unanimous in asking for the retention of Seditious Meetings Act. Most of the Local Governments similarly affirm the need for retaining Part II of the Criminal Law Amendment Act, 1908.”

The Committee go on to say :

“ We realise also that substantial support is necessary for Government to meet the non-co-operation movement, which is the greatest obstacle to the successful development of the reforms recently introduced and to all political and industrial progress. \* \* \* Evidence has been adduced to show that in certain places the ordinary law is inadequate and this evidence we are not prepared to reject.”

Later on they refer once more to the Act :

“ We feel that we should not, under present conditions, be justified in advising the immediate repeal of these two Acts ”

that is to say, the Seditious Meetings Act and the Act now under consideration.....

**Mr. K. Ahmed** (Rajshahi Division : Muhammadan Rural) : What happened in Ireland ?

**The Honourable Mr. J. Crerar :**

....“ We may also point out that their provisions are not of a drastic character. \* \* \* Though seldom applied these two enactments have recently in the present situation been found necessary for the preservation of law and order. Further, an obvious objection to a more complete acceptance of this principle is that in allowing proof of the necessity for legislation to accumulate, even stronger measures than those now under consideration might eventually be required for the suppression of disorder.”

Then, Sir, I invite special attention to the following passage which seems to me to show a remarkable foresight on the part of the signatories to this Report :

“ As we have already seen, there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation. Recently in Delhi it has been necessary to declare certain Associations of Volunteers unlawful under section 16 of this Act. We have carefully examined the circumstances which led to this action. The Volunteer movement began with ‘ social service ’, but the adherents soon developed a definite tendency to interfere with the duties of the Police and the liberty of the public. They then began to intimidate and terrorise the general body of the population. There was a tendency towards hooliganism. It has been proved that some of these Associations resorted to violence, that their behaviour at railway stations and public meetings was objectionable and rowdy, that they obstructed the funeral of an honoured citizen and held a most undesirable demonstration at the house of another. They actively interfered with the elections by threats and picketing. There was every reason to believe that their activities, if left unchecked, would lead to serious disorder. The conclusion we have arrived at is that some of these Volunteer Associations in Delhi were seditious organisations, formed for the purpose of intimidating loyal citizens, and interfering illegally with the administration of the province \* \* \* We have received information of a possible recrudescence of secret associations in another part of India. It has also been stated in evidence that Bolshevik emissaries have entered India, and we cannot overlook the possibility of illegal associations promoted by them terrorising the population, and engaging in a campaign of crime and terrorism. Actually Part II of this Act has been sparingly used. Its object is not only to break down existing unlawful associations, but to deter young and comparatively guiltless persons from joining these bodies and to discourage the supply of pecuniary assistance. We regret that we cannot at this juncture recommend the immediate repeal of Part II of this Act.”

Now, Sir, the Honourable Member has appealed to the authority of this Committee which he naturally, as he himself was a member of it, places very high and I agree with him, having regard to the important contents of the Report, that it deserves a very high authority. If the Honourable Member desires to have the controversies which he raises determined in the light of the views expressed by the Committee, of the recommendations they made, and in particular of the concluding and crucial sentences of their Report, I should myself be perfectly willing that the issue should be

[Mr. J. Crerar.]

tried in that manner. And the concluding sentences of that Report were as follows :

“ We advise that the repeal of Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present.....”

**Mr. A. Rangaswami Iyengar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : How long ago was that ? They said “ deferred ”.

**The Honourable Mr. J. Crerar :**

....“ Their retention is necessary in view of recent occurrences and possible developments, which we cannot but regard with the gravest apprehension.”

Sir, we have now to consider, with reference to that final pronouncement of the Committee, what were the “ recent occurrences and possible development ”. Before the Committee had actually framed their conclusions there occurred at Malegaon, a town in the Bombay Presidency, a very serious riot which resulted in the murder of four police officers and the burning of a Hindu temple. It has been judicially found that the proximate causes of that outbreak were the activities of local volunteer associations precisely of the kind referred to in the Committee's Report and which they prophesied might in the future be a serious danger to public security. I mention the case of Malegaon because I have myself to a certain degree responsibility in the matter. The Government of Bombay.....

**Lala Lajpat Rai** (Jullundur Division : Non-Muhammadan) : Will the Honourable Member give the date of that occurrence ?

**The Honourable Mr. J. Crerar :** That occurred on the 25th and 26th April, 1921. I mention this because I had to some extent special knowledge of the circumstances and some special responsibility in the matter. During these years, 1921 and 1922, the Government of Bombay were enabled to deal with the situation without any resort to Part II of the Criminal Law Amendment Act and I myself was consistently opposed to the use of that Act so long as conditions remained as they then were. But, in view of the judicial finding I have mentioned, it might have been alleged, and alleged perhaps with justice, that the Bombay Government were wrong. It might be alleged that if they had at an earlier stage and with greater promptitude applied this Act, those disastrous events at Malegaon could have been averted. I do not think myself that that is the case, but, at any rate, it is a reasonable attitude to take. I mention that merely to impress on the House, as the strongest instance that I can command, that the Local Governments do not resort to the provisions of this Act except under pressure of the gravest necessity.....

**Mr. K. Ahmed :** And what have they been doing since 1921 ?

**The Honourable Mr. J. Crerar :** I will continue the recital if the Honourable Member will permit. Shortly after the Committee had signed their Report, many of their prognostications were signally proved to be true, and during the months of November and December that immediately followed the signature of the Report, this Act was employed to a larger degree than it has ever been employed before or since. It was employed in respect of volunteer associations in the United Provinces, in Bengal, the Punjab, Assam, the North-West Frontier Province and Bihar and Orissa. Let me take only one out of the various instances set forth to explain

briefly the circumstances under which this Act was resorted to. In the United Provinces alone, in the early part of 1922, there were no less than 110,000 enrolled volunteers. Very extensive and very serious disturbances took place, and they culminated in the affair, that melancholy and tragic affair of Chauri Chaura.

**Mr. T. C. Goswami** (Calcutta Suburbs : Non-Muhammadan Urban) : Were they armed volunteers ?

**The Honourable Mr. J. Crerar** : The affair which took place at Chauri Chaura, I may remind the House, was an assault upon 23 police officers by a large crowd which was headed, according to the judicial decision in the matter, by several hundred volunteers. 23 police officers were done to death. On the following day there occurred a disturbance at Rae-Bareilly which unfortunately also involved blood-shed, but fortunately on not so extensive a scale. These are two most serious instances perhaps in that all deplorable time, and as I read through the records, it is really a matter of great surprise to me that the Local Government were able to pass through that critical and dangerous time without resort to more drastic expedients than the restricted and limited expedients of this Act, and it is largely because they had the Act as a weapon in their hands that it was possible for them to do so.

What followed next ? Even before the Committee had signed their Report, the first black clouds had already appeared on the horizon in Malabar, which in a few short weeks descended in the catastrophe of the Malabar rebellion. Must I remind Honourable Members of some of the occurrences in the Malabar rebellion ? Must I remind them of the fact that many prosperous and peaceful villages were destroyed, that murders of the most atrocious character were committed, and that many of those village communities were subjected in other ways to the grossest oppression and humiliation ? Must I remind them also of the retribution which fell upon the persons who were engaged in that rebellion ? The retribution which ultimately overtook them was almost as tragic as that they themselves inflicted upon their victims.

**Mr. K. Ahmed** : What about the 100 Moplah under-trial prisoners suffocated in the luggage van at Podanur station ?

**The Honourable Mr. J. Crerar** : Here it might be pertinently pointed out to me that the Malabar rebellion was indeed a very serious and a very tragic occurrence, but it is not a very apposite argument in favour of my case inasmuch as the second part of the Criminal Law Amendment Act was not employed. But the only reason was that the catastrophe was so extensive, so sudden and so widespread that much more drastic powers were necessary to enable it to be brought under control. The powers that had ultimately to be employed for that purpose comprised and went a great deal beyond anything that can possibly be extracted from the second part of the Criminal Law Amendment Act. A few months later several districts in the Punjab were terrorised by a series of murderous outrages committed by an organisation calling itself the Babar Akali Jatha. The state of affairs was so extremely serious that there were times when it appeared almost inevitable that peace and order could not be restored without resort to something in the nature of martial law. However, the Local Government held their hand and with the aid of the application of Part II of the Criminal Law Amendment Act they were eventually able to restore law and order without resort to any more drastic expedients.

[Mr. J. Crerar.]

Now, Sir, I should like to pause here and consider, on a reasonable construction of what the apprehensions the Committee themselves had expressed and of the recommendations they made—I should like to pause and speculate for one moment as to what might have been their conclusions if they could have foreseen the actual occurrences which followed so soon upon the promulgation of their Report. My own opinion is that so far from making any recommendation, even a provisional recommendation, for the repeal now or hereafter of the second part of the Criminal Law Amendment Act, they would have positively supported its permanent retention on the Statute-book.

Now, Sir, I have not unfortunately completed my recital, because very shortly after the affair of the Babar Akali Jathas a state of affairs arose in the Punjab which again necessitated resort to the Part II of the Criminal Law Amendment Act. I do not propose to go into the details of that use of the Act because matters have fortunately improved so much since in the Punjab that it would merely recall unhappy memories if I dealt with them in greater detail. I merely record the fact that the resort to the second part of the Criminal Law Amendment Act was again in that instance of the greatest value to the Local Government in restoring peace and order.

**Lala Lajpat Rai :** What year ?

**The Honourable Mr. J. Crerar :** October, 1923. Then followed the Cawnpore conspiracy case. It was judicially proved in the course of the Cawnpore conspiracy case that there existed an organisation, largely supported by inspiration and funds from abroad, for the promotion of a communist revolutionary movement in India. I am not asking the House to believe that on the assertion of any executive authority, but on the deliberate judgment of two Judges of a High Court. That was in the beginning of 1924. Later disturbances unfortunately occurred in Burma and once more a prompt and early resort—there were very few prosecutions but a certain number of declarations—to the second part of the Criminal Law Amendment Act was again of the greatest value to the Local Government. Lastly I must refer to a case which culminated only yesterday. I refer to the Kakori conspiracy case, the trial of which has now been concluded in the Chief Court of Oudh.

**Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) :** May I ask the Honourable Member whether it has been dealt with under the Criminal Law Amendment Act ?

**The Honourable Mr. J. Crerar :** No, Sir. That case was not dealt with under the Criminal Law Amendment Act.

**Lala Lajpat Rai :** Was the Bolshevik case tried under that Act ?

**The Honourable Mr. J. Crerar :** I have not suggested that it was. My point in referring to that case was this that the course of the judicial inquiry has undoubtedly proved the existence of one or more associations which were of a revolutionary character and that, if the prosecution in this particular case had not been successful, conditions might very well have arisen in which a resort to the second part of the Criminal Law Amendment Act would have been necessary as a preventive measure in the hands of the Local Government.

Well, Sir, I do not propose to continue the recital of this gloomy tale, nor to overload it with details, though it would be very easy for me to do so. What I wish to point out is this—that the Honourable the Mover in supporting his case to the House has singularly neglected two factors which I should have imagined ought to have been of the very greatest importance to his case. He has ignored them perhaps wisely from the point of view of his own case. He has ignored entirely the state of affairs which in the past required the application of the Act and the recurrence of which might necessitate the application of the Act in the future. Nor has he instanced a single case of the abuse of these powers. If the Honourable Member had a practical as well as an academic case against this Act, surely he would have been able, out of the considerable number of cases in which the Act has been applied, to cite some cases in which the Act has been abused. The Honourable Member did not instance one single case of the abuse of the powers under this Act.

Now, Sir, I must revert very briefly to the Bill itself. I pointed out that the criticisms which were made by Mr. Tonkinson have not been answered. An Honourable and learned gentleman from Madras proceeded on the assumption that the Honourable the Mover had been working on an old copy of the Act and that with a few slight and inconsiderable amendments the Bill would be a fit Bill to be enacted. I have no wish myself to stand upon any mere question of drafting. I must try, and I confess I do so with some considerable embarrassment in view of the actual condition of the Bill, to meet fairly what are the Honourable Member's objects and intentions. I take it that his principal motives are that the jurisdiction of the High Courts should be amplified and that the liberty of the subject should be enlarged and also that the powers of the Executive Government should be restricted. Now, Sir, as far as the amplification of the jurisdiction of the High Courts is concerned, any proposal which is conducive to the better administration of justice and to the better maintenance of the King's peace would have my warmest sympathy and I do not yield to the Honourable and learned gentleman in his solicitude for the liberty of the subject. As regards the restrictions on the powers of the Executive Government that is a matter on which we might very naturally differ. But taking the first two of these objects I am compelled to note that the Honourable Member proposes to give to the High Court an appellate power in respect of an order which cannot be passed under the Act as it stands, which could not be passed under the Act as he proposes to amend it, nor under any other Act on the Statute-book. With the best will in the world, therefore, I cannot see how, when we enact that part of the Bill, we should be doing anything likely either to amplify the jurisdiction of the High Court or to enlarge the liberties of the subject. However I pass from that point to one which has caused me even greater difficulties. The part of the Bill which is really effective is that which proposes to repeal section 15, clause (2) (b) of the Act. Now, to do so would completely eviscerate the Act. I have very carefully examined the records dealing with the use which has been made of this Act and I find that the cases in which action has been taken under section 15 (2) (a) were very rare. In at least 90 per cent. of the cases action was taken under the section which the Honourable Member proposes to repeal and for very obvious reasons. It was the simplest, it was the most convenient and in many cases the most appropriate

[Mr. J. Crerar.]

method of taking action. The effect of the Bill would be merely to make the whole Act ineffective and, personally, if I were offered the sole option between an amendment of the Act in this sense, which would really come to the Statute-book as a dusty and unintelligible piece of legislation, and a repeal of the Act, I should honestly prefer repeal.

Now, Sir, the difficulties presented by the Bill as it stands have caused me very great and, as I have said, very real embarrassment. I have seen recently stated in this House a certain doctrine with regard to the care which this House should exercise in examining the provisions of Bills which are brought before it. It is in the following terms :

“ Now, I submit, Sir, that this Legislature must be extremely careful in selecting its language and not use one word, one comma or colon, the meaning and extent of which it does not appreciate and understand ”.

That doctrine was laid down with such admirable precision and correctness by the Honourable and learned Mover in speaking on another Honourable Member's Bill, and I should certainly be glad to invite the House to join me and the Honourable the learned Mover in applying that doctrine to the present Bill. However, Sir, I have no desire to rely for a moment on any technical points or on any points which might reasonably be construed as technical. My case substantially is this. Past history has shown the necessity for a measure of this character. We should be extremely sanguine, and there is very little to justify us in assuming that such conditions would not possibly recur again. I contend that no abuse of this Act in the past has been proved—that has not even been alleged. If, Sir, the Honourable Member really insists that what I contend are the very limited provisions of this Act really amount to repression, may I invite his attention to an Act which, according to Press accounts, has recently been passed by the Legislature of the Irish Free State ? If the Press account is correct—and I cannot vouch for it—it may perhaps enable the Honourable Member to form a somewhat more accurate perspective of Acts which are repressive and Acts which are not repressive :

“ The Senate has finally passed the Public Safety Bill.... Provision has been made declaring certain Associations unlawful and making persons continuing membership of such Associations liable to a maximum sentence of 5 years' penal servitude.”

**Lala Lajpat Rai :** That is only a Bill and not an Act.

“ **Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : What is the duration of the Act ? ”

**The Honourable Mr. J. Crerar :**

“ Persons associated with the activities of these organisations will be liable to expulsion from the Free State. Special courts may be established to include military officers as well as judges, and there shall be no appeal from them. The death penalty may be extended for possession of fire arms without authority if the Government so notifies.”

Now, Sir, I express no opinion either on the accuracy of that statement, or upon the propriety of such a piece of legislation or upon the circumstances which have been held to justify it. I merely suggest that if the Honourable Member classifies the second part of the Criminal Law Amendment Act as a repressive law, he should correct his perspective.



Perhaps, before I conclude, I should say a few words with reference to a provision of the Honourable Member's Bill to which I have not so far made any reference, and that is the provision relating to *habeas corpus*. That provision, as was noted earlier in the debate, has been tacked on to the Honourable Member's measure. My reason in not dealing with it is firstly that I have already detained the House for a somewhat longer period and I do not wish to detain it unduly, and secondly that this question of *habeas corpus* is so lacking in anything that can connect it with the other matter contained in the Bill that it is impossible for us now to debate it effectively. It is a separate issue altogether, and therefore I do not propose to enter upon it. I conclude, then, with what is my substantial plea to the House, and it is this. When disorders occur, when the peace is broken, critics of Government emphasise the responsibility of the Executive Government in the matter. Sir, they are perfectly justified in doing so, and I make no complaint of it. Indeed, when widespread disorders occur, if the Legislature were not prepared to act upon their rights in holding the Executive Government to account in the matter, they would be failing in their duty. But surely they have a reciprocal responsibility in the matter. If Government are to be held responsible—and I do not deny that they should be held responsible for the maintenance of law and order—is the Legislature justified in taking away from us powers which have been proved in the past to be very valuable instruments for the preservation of law and order the necessity for the further exercise of which in future is still a matter of a strong probability? Would the Legislature be justified, I ask, in depriving the Executive Government of those powers and then insisting on enforcing their responsibility? I say, Sir, that that is not a reasonable proposition. If the Honourable Member wishes to decide the matter on legal grounds, I suggest that the legal maxim which ought to apply is *durante ratione, duret ipsa lex*.

**Sir Hari Singh Gour :** Sir, I wish very briefly to reply to the Honourable the Home Member. When I heard his speech I was wondering to myself whether the Honourable Member was not referring to matters which we had discussed and disposed of already, when I had introduced a Bill for the total repeal of Part II of the Criminal Law Amendment Act and which this House passed in spite of the opposition of Government. At that time, Sir, Honourable Members on this side of the House, nominated Members and Members who had held responsible positions as Executive Councillors like my friends Sir Chimanlal Setalvad and Sir Sivaswamy Aiyer, appealed to the Government that Part II of the Criminal Law Amendment Act was far too drastic and that they could not possibly support Government in that matter, but they were prepared to go half way if the Government would accede to their wishes to give some jurisdiction to the High Courts to revise and rectify the errors of the Executive. Upon that the Honourable Member said that that is entirely a different matter, and when it came up, it would be disposed of upon its own merits. I understood, Sir, that, while the Government then were not prepared to accede to the total repeal of Part II of the Criminal Law Amendment Act, they were not wholly undisposed to compromise the position by giving the High Courts jurisdiction to revise the orders of the Executive. And, Sir, impelled by that implication I redrafted my Bill, and the Bill that you see before you is a much diluted Bill, and, as I stated in the opening speech while introducing the Bill and asking the House to consider it further,



[Sir Hari Singh Gour.]

I have toned it down to these matters. I did not want the total repeal of Part II of the Criminal Law Amendment Act. I merely wanted the repeal, and I do want, Sir, the repeal of section 15, clause (2), sub-clause (b), and as for the rest I give the High Court jurisdiction, as in all criminal matters the High Court have and must have jurisdiction, to revise and control the action of the Executive. This is all I want, and this is all that my Bill implies. Now, I fail to understand what the Honourable the Home Member means by recounting those acts of 1921, 1922, 1923 and 1924, if it is not intended to prejudice this House against my measure which does not seek to repeal Part II of the Criminal Law Amendment Act, but the substantive object of it is to delete section 15, clause (2), sub-clause (b) and to give the High Court jurisdiction to revise the orders passed by the Executive. That is, so far as the Criminal Law Amendment Act is concerned. Now, Sir, what is the reply of the Honourable the Home Member on this part of my case? His reply is that "if you repeal section 15, clause (2) (b), you might just as well repeal the whole of Part II of the Criminal Law Amendment Act". Now, does the Honourable the Home Member justify the retention of section 15; clause (2) (b) on any ground? What is the section? The section says—and I am leaving out the other words,—I am reading only that part of section 15 which I wish to be repealed :

"In this Part 'association' means any combination or body of persons, whether the same be known by any distinctive name or not, and which has been declared to be unlawful by the Governor General in Council under the powers hereby conferred."

Now, Sir....

**The Honourable Mr. J. Crerar :** Sir, the Honourable Member is not quite correct in reading the Act.

**Sir Hari Singh Gour :** I am reading, Sir, from a copy which the Legislative Department has supplied to the Honourable Members of this part of the House, and if it is not the correct copy, they are responsible for it, not ourselves; it is the official copy supplied to us in the Library. I know the Devolution Act and the section in question, but probably the Honourable the Home Member's Department do not yet know, because the copy has not yet been corrected. I will deal with that part of the case later on. Now, Sir, what is my objection? My objection is that under this Act the Governor General, and now of course under the Devolution Act the Local Government, have the power to declare any association to be an unlawful association without giving any reason, without calling upon that association to show cause why it should not be declared unlawful, but merely because the executive say that it is an unlawful association, it becomes an unlawful association. But if that were all, that would be bad enough. What is the result? Will the Honourable Member kindly give me a corrected copy? (The Honourable Mr. J. Crerar handed one to the Honourable Member.) Now, Sir, what is the result of this declaration? The result of that declaration is that whoever is a member of an unlawful association or takes part in meetings of any such association or contributes or receives or solicits any contribution for the purpose of any such association, shall be punished with imprisonment for a term which may extend to six months. Now how does this Act work? The Executive Government says, "You are a member of an unlawful association". That cannot be revised by the High Court. After that, they send him up to the High Court for the purpose of awarding

punishment ; and as Sir Lawrence Jenkins in the case reported in Indian Law Reports which I cited on the last occasion pointed out, the High Courts have no jurisdiction to inquire into the legality, sufficiency, propriety or otherwise of the order passed by the Executive Government. They are merely to act as the sentencing court. Now, is this just ? Is this right ? Is this British justice ? That is the question I had put to the Honourable occupants of the Treasury Benches. Do they justify this procedure that the Executive sends up a man and says, " Here is a man ; I hand him over to the High Court to award the punishment. You, the Judges of the High Court, have no jurisdiction to go into the question whether this man is guilty or not : all that you have to do is to award the punishment ". And the High Court, if that is the procedure, may well ask " Why send it up to the High Court at all ? " Why do the Executive then not take upon themselves the power of also sentencing the man to imprisonment in accordance with some amendment which they may make to Part II of the Criminal Law Amendment Act ? That, I submit, is the point which we raised on this side of the House and it was on that ground that we carried the Resolution for the total repeal of Part II of the Criminal Law Amendment Act. Now, Sir, the Honourable the Home Member has said, " Can you give me any instance where we have misused section 15, clause (b) of the Act ? " My answer is, Sir, " How have you prescribed any procedure under this Act under which the judicial authority could have inquired whether the man who has been declared to be a member of an unlawful assembly has been rightly or wrongly so declared ? " If you had prescribed that procedure, then the High Court would have jurisdiction to say whether the man who has been sent up to the High Court for punishment is innocent or guilty. The jurisdiction of the High Court has been taken away. All that the High Court has to do is to sentence the man,—and the Judges may well say : " We regret we have not got the power to inquire whether you are innocent or guilty : the power that we have is to sentence you : therefore, you go to jail ". And for how long ? What is to be the measure of punishment if the Court is not to go into the measure of the offence ? That, Sir, is the position in which you place the High Court, and I wish to ask in what part of the civilized world have you got such a Statute on the permanent Statute-book. I have made some little study of the subject and I venture to submit that there is no part of the British Empire where such a drastic provision of law finds a place upon the permanent Statute-book of the country. Now, Sir, my Honourable friend, the Home Member, says, " If you are to take away clause (b) of section 15, then the whole of Part II of the Act might just as well be repealed ". I submit, that is not the case. Section 15, clause (a), says :

" An unlawful association is an association which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts."

The cases which the Honourable the Home Member has cited are cases which could have come and will come under clause (4), sub-clause (2) (a), Part II of the Criminal Law Amendment Act. But as my friend has just now pointed out, it is very easy for the Local Government : why should it inquire whether you are a dangerous man or not ? Why should it inquire whether you commit acts of violence or not when they have got the arbitrary, the uncontrolled, the undisciplined power under clause (b) of saying that you are a guilty man ? Why should it give reasons for it ?

Mr. H. Tonkinson (Burma : Nominated Official) : On a point of order, I should like to point out, Sir, with regard to the statement of my Honourable friend.....

Sir Hari Singh Gour : I cannot hear you.

Mr. H. Tonkinson : I should like to point out, Sir.....

Mr. President : It is not a point of order.

Sir Hari Singh Gour : I wish therefore to ask " Is this provision of section 15, sub-clause (a), not sufficient for all the purposes and in respect of all the cases to which you have adverted in the opening part of your speech ? " I therefore submit, Sir, that in asking for the repeal of clause (b), I am asking this House to remove and purge from the Statute-book a most obnoxious provision of law for which there is no precedent in any known law of which I am aware in the British Empire. Now, Sir, the next thing I ask this House is, where a man has been declared to be guilty and he has appeared before the High Court, is the High Court merely to act as the hangman, or is the High Court to act judicially and inquire whether the man is guilty or not ? That is the short question I ask any Honourable Member in this House to answer. The jurisdiction of the High Court to inquire whether a man sent up to the High Court for punishment is innocent or guilty—I give the High Court that jurisdiction. That is the second thing that I wish to do. Now, Sir, that finishes the first part of my Bill.

The second part of my Bill deals with a congruate matter. It was the subject of the Report of the Repressive Laws Committee, from which, I am afraid, my Honourable friend has cited from wrong places. I shall conclude my speech by citing from the passage upon which I rely, which the Honourable the Home Member will see was the cardinal note struck by the majority of the non-official members when they agreed to sign their Report. The second part of my Bill is to add a few words as regards British subjects. And let me remind Honourable Members of this House as to what is the effect of the second part of my Bill. It is this. There are a very large number of Regulations and Acts and miscellaneous Ordinances and so forth under which there is power of arresting and detaining and keeping people in jail without any trial. I think one Honourable Member of this House was a victim of one of those Regulations. Now, what do I want ? I want to give them reasonable liberty. It was said in the course of the last debate that if you were to place everybody before the High Court and give the High Court jurisdiction either to release that man or to place him upon trial, what would become of non-British subjects that come from across the Frontier, marauders, Communists and persons who owe no allegiance to the British Crown ? These people come in large numbers into this country and may come in large numbers into this country and stir up riots and acts of lawlessness with which the Government will have no power to deal. Well, Sir, I have acceded to that objection, and what I have done is to add the words which qualify the jurisdiction of the High Court only to protect British subjects. Now, Sir, is that not a reasonable protection ? I venture to submit that the Honourable the Home Member feels himself in his conscience that it is reasonable. We are protecting the British people and placing them under the jurisdiction of the High Court and giving them that protection to which they are entitled. That is the meaning of my *nubcas corpus* provision. The Honourable Member says " You have tacked on in one Bill

2 Bills of a different character". Surely, Sir, those who live in glass houses must not pelt stones at others. Have we not seen in the last Assembly the Repealing and Amending Act running into six pages amending the Penal Code, Transfer of Property Act, Specific Relief Act, Limitation Act and, what not? Have not you done that? Do not you do that every year, and you who amend a dozen Acts by one Act come up and tell me that I amend in one Bill two provisions of inconsistent Acts. Are they inconsistent? They are of a most cognate character. Let me explain to the House. The Repressive Laws Committee were dealing not only with this question but also with the *habeas corpus* question, and in consequence of their recommendation certain High Courts were given jurisdiction in matters of *habeas corpus*. But persons arrested under the Regulations

and other repressive laws were left out of the consideration of the High Court in the section dealing with *habeas corpus*. Our position then was, as our position now is, that so far as British subjects are concerned, no repressive laws should touch them without giving them the right of having recourse to a judicial tribunal before whom they should be tried and by whom they should be judged. Is that an unreasonable request? These two provisions of my Bill, therefore, are the direct outcome of one report dealing with a series of acts relating to one question.

Lastly, Sir, the Honourable the Home Member says that I have misread and misrepresented the recommendations of the Repressive Laws Committee and he took some little time in reading passages from the Report of the Repressive Laws Committee. Now, if the Honourable the Home Member had paid me the compliment of reading the speech when I introduced this Bill, he would not have compelled me to read the passage upon which I relied and which I cited to the House in justification of my Bill. That passage is contained in paragraph 25, page 11, of the Report and it is said there :

"Many of us hope that it may be possible for the Government to undertake the necessary legislation during the Delhi Session."

They recommended the total repeal of the Repressive Laws and hoped that the Government would introduce a measure during the ensuing Delhi Session for their absolute and total repeal. And what is the date of this Report? The date of this Report is the 2nd September, 1921. Consequently, the non-official members signed this Report in the hope that the Government would introduce in the winter Delhi Session of 1922 the measure for the repeal of all these Repressive Laws. Has that hope been fulfilled? I have been after the Government ever since the cold weather Session of 1922 reminding them of the promise and the understanding embodied in paragraph 25 of this Report. And what reply have I got? "The time is not yet". And now the Honourable the Home Member takes a different line altogether. In 1922 and onwards the apologia of the Government was : "Yes, we will do it, but the time is not yet. There is this disturbance going on and that disturbance going on, a woman has cracked somebody's head, and so on". But now when I ask what objection have you to repealing these laws and giving to the High Court the jurisdiction which it should possess, the reply is : "Oh, well, look at what took place in 1921, 1922 and 1923". Is that any answer to the recommendation of the Repressive Laws Committee? And have I, Sir, misrepresented any portion of the Repressive Laws Committee?

**The Honourable Mr. J. Crerar :** Yes.

**Sir Hari Singh Gour :** I have given the *ipsissima verba* of the Report of the Repressive Laws Committee, and I can assure the House, speaking for myself and I am afraid I am the only Member now in this House who sat in the Repressive Laws Committee, that I certainly would not have signed that Report if this paragraph had not been inserted. And I assure you, Sir, that there are many of my friends who would never have subscribed to that Report if that passage had not been inserted. I feel, therefore, in duty bound to carry out the promise which I gave to my constituents and to the country at large that these Repressive Laws would be removed from the Statute-book as soon as possible.

In asking this House, therefore, to carry this motion, I am carrying out a duty which I submit, Sir, it was incumbent upon the Government which had accepted the Report *en bloc* to carry out in fulfilment of the hope which we then expressed and in discharge of the obligation which it had undertaken.

Now, Sir, one more word and I have done. The Honourable the Home Member has criticised the draft of my Bill. I know that the drafting requires amendments. But I will only ask the Honourable the Home Member to ask his official draftsman to move the necessary verbal amendments which are required for the purpose of putting clause 3 in order. That, of course, is the work of the Legislative Department, and I, therefore, submit that that is a work in which we expect the assistance of the Government. The Act supplied to us on the basis of which this Bill was drawn up unfortunately was an incorrect copy and even to-day the Honourable Members of this House have been given only those incorrect copies. It is upon those incorrect copies that this Bill has been drafted. I therefore consider the question of amendment as a pure drafting amendment. If my motion for the consideration of this Bill is passed, I request the Honourable the Home Member to help us by putting the draft in order.

Sir, I move that the Bill be taken into consideration.

(Lala Lajpat Rai then rose to speak.)

**Mr. President :** The Honourable Member is too late. He must himself protect his own right.

**Lala Lajpat Rai :** Was the Honourable Member, (Sir H. S. Gour) replying to the debate ?

**Mr. President :** Of course.

**The Honourable Mr. J. Crerar :** Mr. President, I have already trespassed so long on the patience and indulgence of the House that I do not propose to do so again at any great length. I note as a preliminary point that the Honourable and learned gentleman referred in tone almost of indignation specially directed at me, to the fact that he is in possession of an uncorrected copy of the Act. The Honourable and learned Member is perfectly well aware that it is not the business of the Home Department to supply Honourable gentlemen with copies of Acts. I feel, Sir, that when he directed the vials of his wrath on me on that particular point he must have felt that his case in other respects was singularly defective.

Now, Sir, the first point I wish to take in reply is his further contention as to what the Committee actually did recommend. I am surprised

that, after I had laid before the House in very great detail actual recommendations of the Committee, that the Honourable and learned gentleman should have had the temerity to return to that point. It is perfectly true that the Committee recorded that many of its members expressed the hope which was referred to and quoted by the Honourable and learned gentleman, in moving his original motion, I observe that he quoted only a line and a half of the Committee's Report. He refrained with meticulous care from reproducing any part of the Report which dealt with the specific recommendations of the Committee. The Honourable Member went further. He has referred to a promise which has not been fulfilled. Now, Sir, what was the promise? If the Committee had made a specific recommendation for the repeal of this Act, if the Government of India had specifically approved and endorsed that recommendation and announced their intention to act upon it, that would have been a promise, and any failure to carry it out would have been a breach of promise. The facts, as I have already explained at great length to the House, are contrary. The Committee did express the hope of certain of its members in a line and a half, that it would be possible to repeal this Act. But in several passages in the course of its Report, and more particularly in what I called the crucial and concluding sentences, their express and definite recommendation was that that Act should not then be repealed. Yet in spite of all that, in spite of the care and detail I took to inform the House of what the recommendations of the Committee actually were, the Honourable and learned gentleman still says the Committee recommended the repeal of the Act and the Government, by not having repealed it, has been guilty of a breach of faith. If the Honourable and learned gentleman is compelled to rely upon arguments of that kind in substantiation of his case, I submit he ought not to convince a reasonable House.

Now, Sir, I go on to another point. I suggest—in fact, I venture to assert—that the Honourable and learned gentleman has not only misrepresented the attitude and recommendations of the Committee and the attitude of Government on those points; he has, as a matter of fact, misrepresented the Act itself. I hope that Honourable gentlemen who are in possession of a correct copy of the Act will look at it. The Honourable Member said the Local Governments do nothing except issue a declaration that a particular association is unlawful.

**Sir Hari Singh Gour :** That is not a correct statement. I never said the Local Governments do nothing. I said under that law the Government have the power of declaring an association unlawful though they may not give the accused a chance to show cause against it.

**The Honourable Mr. J. Crerar :** Then I take it the Honourable Member is once more raising a merely theoretical objection to the Act which he is incapable of supporting by any practical instances. He went on to say that the courts of justice as a matter of fact have no power in the matter at all, that once a decree of proscription has been issued by the Local Government, all that is open to the judicial courts to do is to endorse their decree and to inflict the penalty. Now, Sir, is that actually the case? It is perfectly true that the Local Government are given an executive discretion by section 16, but the section very clearly lays upon them the obligation and necessity of coming on reasonable grounds to the conclusion that such an association is an

[Mr. J. Crerar.]

association within the terms of that section. That is sufficient to constitute the association unlawful ; but in order that a conviction may be obtained under the Act it is necessary to prove that the accused person was a member of such an association, and the other ingredients of clause (1) or clause (2) of section 17. On those points the Courts have got an absolute discretion. And moreover they have an absolute discretion with regard to the penalty they can inflict. It may be presumed that when this Act was in active operation unless the courts had some good reason for believing that these activities of the persons before them were of a dangerous character they would not inflict a very serious penalty. But in truth the operation of the Act had not much to do with prosecutions at all. As I have already pointed out, its use was almost entirely preventive and its use in performing that function of prevention was extremely efficacious.

Now, Sir, I pass on to another point on which I strongly based my case and which the Honourable and learned gentleman, with somewhat less than his usual agility, has attempted to evade. I said it ought to be possible for him, if he really had a good case, to show at least one instance in which there had been some notorious abuse of the powers conferred by this Act. What did the Honourable Member reply ? He did not instance any such cases.

**Lala Lajpat Rai :** There are many such instances.

**The Honourable Mr. J. Crerar :** " How could I instance such cases," he said ; " the discretion granted to the courts is so nugatory, so absurd, that it would be quite impossible for me to instance such cases."

That is to say, his argument was that he could not instance a case or abuse unless he had a judicial decision to that effect. Now, Sir, I submit that if there had been any numerous cases of abuse or even a single case of notorious abuse, what would be the effect ? What would be the effect if a certain association were to be declared very unreasonably and very improperly by a Local Government to be unlawful ? Would not the fact be well known without any judicial decision ?

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Take the case of the Congress Committees.

**Lala Lajpat Rai :** Or the Volunteer Associations.

**The Honourable Mr. J. Crerar :** I was replying to the Honourable gentleman's argument, when he said he could instance no such case unless he had a judicial decision before him. I claim, therefore, that on that point he has entirely failed to meet my case.

Then, Sir, there is a second part of my case which was conspicuously absent from my Honourable and learned friend's original case but which occupied a conspicuous part in my case, and that also has not been dealt with by him effectively. I referred to the justification, which the year or two immediately following the signature of the Report, gave to the apprehensions of the Committee of which the Honourable Member was a member. I recited at some length the disastrous and catastrophic occurrences in Malabar and elsewhere.....

**Lala Lajpat Rai :** This Act had nothing to do with these events.

**The Honourable Mr. J. Crerar :** I think I explained sufficiently the reasons why occurrences of that nature could reasonably be brought into the case which I made against the repeal of the amendment which the Honourable Member proposes to repeal. I recited cases which I should have thought would have been sufficiently convincing, but to which the Honourable and learned gentleman referred, I think, in a tone hardly adequate to the importance and gravity of the occasion or to the circumstances to which he was referring. He spoke, I think, of some quarrel in which a woman was cracked on the head. Sir, the Honourable and learned gentleman is notoriously interested in measures for the protection of women and children, and I should think that his instance of a woman being cracked on the head was not an extremely happy one. However, I do not propose to pursue that. My point is that the Honourable Member knows perfectly well that that part of my case was an important part of the case, a case which, whether you agreed with it or not, was one to be dealt with seriously, one which required a serious and considered reply. The Honourable gentleman has found himself unable to give it. Now, Sir, I have no doubt he congratulated himself on having in advance provided himself with a useful side issue—he dealt at some length with the question of *habeas corpus*. I do not myself propose to deal with it—for the reasons which I have already given. We have already a grave and specific issue before the House in the question of the proposal to repeal the second part of the Criminal Law Amendment Act. To deal with a matter which really has, as I have already said, no direct nexus with the considerations which arise on the repeal of the second part of the Criminal Law Amendment Act is really to divert the issue which ought to be the issue before the House. I therefore do not propose to deal with it.

Lastly, I will only say this. He first of all referred in tones of some indignation to the fact that he had not been provided with an accurate copy of the Act, and he said it was the duty of the Legislative Department to come to his assistance. But really I must point out that in February of this year the Honourable and learned Member received the most express notice from these benches of the inaccuracy into which he had fallen.

**Sir Hari Singh Gour :** Sir, I immediately pointed out that the official draftsman might oblige me by correcting the copy and giving it over to me for that purpose.

**The Honourable Mr. J. Crerar :** My point, Sir, is this that the Honourable Member had copies several months ago. It is not merely a question of a defect in the drafting but it is a serious defect in the frame and structure of his Bill, which as I have already said caused very grave embarrassment. But the Honourable Member has taken no steps to correct it, which he could quite well have done, and he is now, among other things, inviting this House to confer upon High Courts a power which they could not conceivably exercise. On the Honourable and learned gentleman's own doctrine as to the care which should be exercised in legislation, which I have already quoted to the House, I submit that he is not justified in asking the House to pass his Bill.

Sir, I oppose the motion.



**Pandat Madan Mohan Malaviya :** Sir, may I submit a point of order for your consideration? In view of what the Honourable the Home Member has said regarding the two points being taken up together, is it open to us to request you, Sir, to put the two propositions separately, and is it open to this part of the House to ask the Honourable the Home Member, as he had notice of this matter this morning, to express the view of Government as to whether they are in favour of accepting the provision of the proposed *habeas corpus* or not?

**Mr. President :** The question is :

“ That the Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, and the Code of Criminal Procedure, 1898, be taken into consideration.”

The Assembly divided :

AYES—54.

Abdoola Haroon, Haji.  
 Abdul Matin Chaudhury, Maulvi.  
 Abdullah Haji Kasim, Khan Bahadur Haji.  
 Ahmed, Mr. K.  
 Aiyangar, Mr. C. Duraiswamy.  
 Aney, Mr. M. S.  
 Ayyangar, Mr. M. S. Sessa.  
 Belvi, Mr. D. V.  
 Chaman Lall, Diwan.  
 Chetty, Mr. R. K. Shanmukham.  
 Dakhan, Mr. W. M. P. Ghulam Kadir Khan.  
 Das, Pandit Nilakantha.  
 Dutt, Mr. Amar Nath.  
 Dutta, Mr. Srish Chandra.  
 Ghazanfar Ali Khan, Raja.  
 Goswami, Mr. T. C.  
 Gour, Sir Hari Singh.  
 Haji, Mr. Sarabhai Nemchand.  
 Ismail Khan, Mr.  
 Iswar Saran, Munshi.  
 Iyengar, Mr. A. Rangaswami.  
 Iyengar, Mr. S. Srinivasa.  
 Jayakar, Mr. M. R.  
 Jinnah, Mr. M. A.  
 Jogiah, Mr. Varagiri Venkata.  
 Joshi, Mr. N. M.

Kelkar, Mr. N. C.  
 Kidwai, Mr. Rafi Ahmad.  
 Kunzru, Pandit Hirday Nath.  
 Lahiri Chaudhury, Mr. Dharendra Kanta  
 Lajpat Rai, Lala.  
 Malaviya, Pandit Madan Mohan.  
 Mehta, Mr. Jamnadas M.  
 Mitra, Mr. Satyendra Chandra.  
 Moonjee, Dr. B. S.  
 Mukhtar Singh, Mr.  
 Naidu, Mr. B. P.  
 Neogy, Mr. K. C.  
 Pandya, Mr. Vidya Sagar.  
 Phookun, Srijut Tarun Ram.  
 Rang Behari Lal, Lala.  
 Roy, Mr. Bhabendra Chandra.  
 Sarda, Rai Sahib Harbilas.  
 Shafee, Maulvi Mohammad.  
 Shervani, Mr. T. A. K.  
 Siddiqi, Mr. Abdul Qadir.  
 Singh, Mr. Gaya Prasad.  
 Singh, Mr. Narayan Prasad.  
 Singh, Mr. Ram Narayan.  
 Sinha, Mr. Ganganand.  
 Sinha, Mr. R. P.  
 Sinha, Mr. Siddheswar.  
 Tok Kyi, U.  
 Yakub, Maulvi, Muhammad.

## NOES—41.

Abdul Qaiyum, Nawab Sir Sahibzada.	Irving, Mr. Miles.
Ahmad, Khan Bahadur Nasir-ud-din.	Jowahir Singh, Sardar Bahadur Sardar.
Alexander, Mr. William.	Kabul Singh Bahadur, Captain.
Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.	Keane, Mr. M.
Ayengar, Mr. V. K. Aravamudha.	Kirk, Mr. R. T. F.
Ayyangar, Rao Bahadur Narasimha Gopalaswami.	Lamb, Mr. W. S.
Bajpai, Mr. G. S.	Mitra, The Honourable Sir Bhupendra Nath.
Blackett, The Honourable Sir Basil.	Moore, Mr. Arthur.
Bray, Sir Denys.	Muhammad Nawaz Khan, Lieut. Sardar.
Coatman, Mr. J.	Mukherjee, Mr. S. C.
Cocke, Mr. H. G.	Parsons, Mr. A. A. L.
Cosgrave, Mr. W. A.	Rainy, The Honourable Sir George.
Courtenay, Mr. R. H.	Rajah, Rao Bahadur M. C.
Crerar, The Honourable Mr. J.	Roy, Mr. K. C.
Crofton, Mr. R. M.	Sams, Mr. H. A.
Dalal, Mr. A. R.	Sassoon, Sir Victor.
Dalal, Sardar Sir Bomanji.	Singh, Rai Bahadur S. N.
Donovan, Mr. J. T.	Tonkinson, Mr. H.
Dunnett, Mr. J. M.	Wright, Mr. W. T. M.
Haigh, Mr. P. B.	Yamin Khan, Mr. Muhammad.
	Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

**Mr. President :** The House will now proceed to consider Sir Hari Singh Gour's Bill, clause by clause. The question is :

“That clause 2 do stand part of the Bill.”

**Mr. W. A. Cosgrave** (Assam : Nominated Official) : Sir, I oppose this motion on several grounds. In the first place I would like to point out that this clause is a vital clause in the Bill. If this clause is carried, the Act as it stands at present will be eviscerated, as the Honourable the Home Member has said. This clause 2 reads as follows :

“Sub-clause (b) of clause (2) of section 15 of the Indian Criminal Law Amendment Act, 1908, (hereinafter referred to as the said Act) is hereby repealed.”

In other words section 15 of Act XIV of 1908 will be shorn of its important sub-clause (b) which reads :

“has been declared to be unlawful by the Local Government under the powers hereby conferred”.

[Mr. W. A. Cosgrave.]

Sir, the Honourable Mover has not been able to adduce any evidence whatever as to the abuse of this Act, although he was challenged to do so, and with all difference to him as one of the recognised legal authorities in India, if not in the world, I feel bound to state that he has somewhat misrepresented the procedure under this Act. The Honourable Member has spoken as if this Act proclaimed individuals. The real point is that it only proclaims associations, and under section 17 of the Act it is incumbent on the Crown or the prosecuting officer to prove that the accused person is a member of the association which has been declared to be an unlawful association. I think, Sir, many of us who have read Sir Hari Singh Gour's Bills with interest and pleasure were somewhat surprised at his talking about the executive dragging up people before the High Court which was only to be treated as a hangman. I am surprised at Sir Hari Singh Gour's speaking in this tone of levity about the High Court. I have tried several cases under this Act and I know that it is incumbent on the Crown to prove that a person is a member of an unlawful association and that also there is an appeal at the present time under section 17 in the ordinary way. The High Court is of course the second court of appeal. Well, another reason for opposing this motion which as I have already said cuts at the body of the present Act is that the Honourable the Home Member has given in my humble opinion most cogent reasons for retaining this Act on the Statute-book. He is in possession of information which is not at the disposal of an ordinary back-bencher like myself. He has told us on how many occasions, in all the cases which have arisen from Peshawar to Tuticorin, this Act has been used with advantage, and I think that Sir Hari Singh Gour is not doing a service to his country if he does anything to take away the strength of the Central Government in maintaining peace and order.

Sir, much has been said this morning about the Report of the Repressive Laws Committee. Well, the Honourable the Home Member has read certain paragraphs. The Honourable the Mover has also read certain paragraphs. I would also like to quote one or two lines from this Report to which my friend Sir Hari Singh Gour has appended his signature. I mention this fact, because Sir Hari Singh Gour has laid stress on the fact that he is the only member of the Repressive Laws Committee still sitting in this House. Now, Sir, what do I read? I see that Sir Hari Singh Gour put his signature to this Report which says :

"We recognise our responsibility in the maintenance of peace and order. We believe that the executive will use any exceptional powers with the utmost caution and discretion."

Sir, the Honourable the Home Member has mentioned a press communiqué showing that even in other parts of the Empire legislation of what is known as a repressive nature is considered necessary. Well, Sir, I would not bring this in again except to say that I spent part of my last leave in that part of the Empire. I have listened to debates in the Dail, I have spoken to people, I have been introduced to people who have a reputation for being champions of liberty like the Honourable gentlemen opposite, such as my friend Lala Lajpat Rai, and yet I say this, that when they have got to rule a country containing less than

four millions of people they consider it necessary to have a special Bill to proscribe unlawful associations. I have seen the press communiqué, and I cannot see anything in it that would seem to show that that Bill is only of a temporary nature. That point was raised, I think, by my Honourable friend Sir Hari Singh Gour. I mention this point to emphasise the fact that, however much a man may be in favour of liberty, as an ideal, when he is on the opposition Benches, when he gets into power, he sometimes has to undertake legislation which he would not have liked in previous years. Sir, I would only repeat my argument that this section cuts at the root of the whole of the present Act, and therefore, in the interests of peace and order for which Sir Hari Singh Gour took responsibility in 1921, I beg to oppose the motion.

**Lala Lajpat Rai :** Sir, the first speech of the Honourable the Home Member had raised expectations in my mind that he was going to be generous in dealing with the merits of the case and that he would not rely at all on the technical defects of the Bill before us. I am sorry to say that those expectations were not realised later on. After having said that he was not going to rely on the technicalities, time and again, he referred to the defects in the drafting of the Bill. It was not necessary to do so if he wanted to confine himself to the merits of the case. I am perfectly at one with him in holding that the drafting of the Bill is not perfect—it is defective—and I also plead guilty to the charge that the interval between the first debate and now has not been properly used to remove the defects of drafting. But all the same, it must be remembered that Members on this side of the House have not got at their disposal the services of a highly paid Legislative Department which is paid from the public exchequer for the purpose of drafting Bills and correcting these mistakes of drafting. In this respect, I should have expected a generous treatment from the Government side. I should have expected that if they saw palpable defects in the drafting of this Bill, they would have suggested the amendments themselves. The arguments on the merits, of course, stand aside. The Government have every right to oppose the Bill on the merits as they have done, and as they might always do—that is a different thing—but to base arguments on defects in the drafting of the Bill, and not to suggest amendments to put the drafting right, does not show a very generous and statesmanlike attitude on the part of a Government which of course, though we do not admit it to be national, claims to be national. So I submit that the complaint on the part of the Honourable the Home Member was not quite consistent with the spirit of the opening sentence of his remarks. Secondly, Sir, it must not be overlooked that the Honourable Sir Hari Singh Gour is not the only person who is interested in this Bill, as the Honourable the Home Member seemed to think when he was giving his final reply. I will readily admit that Sir Hari Singh Gour has been well punished for having at all appended his signature to that Report which deferred the repeal of this Act at the time when it was under the consideration of the Repressive Laws Committee : This was a measure which was obnoxious and vicious in principle, and he should not have agreed to the deferring of the repeal of the Act under any circumstances, and if he finds now that the fact that he agreed to have the repeal of this Act deferred is thrust at him, by Benches opposite, he has only himself to thank for it. Therefore, I have no sympathy with him on that account ; I want to proceed entirely on the merits of the legislative measure before us, and

[Lala Lajpat Rai.]

am prepared to say that the whole of this measure was conceived in a wrong spirit, carried out in a wrong spirit, and is being maintained on the Statute-book in a wrong spirit. It cannot be justified on any possible grounds. Sir, taking the Act as it is, it is admitted that it was an exceptional measure, meant for exceptional times and extraordinary conditions. If the issue is narrowed down to this that having been enacted in a time of supposed disorder, confined to one province—I do not admit that it was justified even then—but assuming that it was...

**Mr. President :** I do not desire to interrupt the Honourable Member, but would it not be better if he reserved his general observations for the last stage of the Bill ? We are now dealing with clause 2 only.

**Lala Lajpat Rai :** I think, Sir, it will be more convenient for me and save time to place the whole of my argument about this Act before the House.

**Mr. President :** The Chair has merely made a suggestion which the Honourable Member need not accept if he does not wish to.

**Lala Lajpat Rai :** I have no objection to defer to the ruling or advice of the Chair, but I find that the speakers on the other side have been attacking the whole Bill all the time.

**Mr. President :** There was only one speech so far.

**Lala Lajpat Rai :** Sir, the position which the other side has taken is that it is necessary to retain this Act on the Statute-book.

**Mr. President :** The Chair has absolutely no objection to the Honourable Members making general observations at this stage, but on the distinct understanding that, when the final stage is reached, Honourable Members will not be allowed to make long speeches.

**Lala Lajpat Rai :** I do not propose, Sir, to make a second speech. So, with the permission of the Honourable the President, I might go on and finish what I have to say.

**Mr. President :** Lala Lajpat Rai.

**Lala Lajpat Rai :** I was saying, Sir, that under any circumstances it was admitted that this was an exceptional measure meant for exceptional times and extraordinary conditions. We are not enacting a new measure. We are just proposing to repeal a measure which is already on the Statute-book but which, I said, was admitted to have been enacted in special circumstances for extraordinary conditions. The issue then is whether it is desirable to retain this measure any longer or for all time to come on the Statute-book. That is practically the issue. Now, Sir, I know that the Governments generally are very fond of taking extraordinary powers and they never part with powers that they have once taken unless they are compelled to do so. Sir, I am not at all surprised at the attitude of the Honourable Members on the other side that they do not want to part with the powers that they have taken under this Act. Their anxiety for the liberties of the subject seems to be too superficial to be taken seriously. They do not care for the liberties of the subject as long as they can keep their hold tight on them by executive measures. No one objects to their exercise of their powers for maintaining peace or for checking disorders, or for doing anything which is permissible to them

to protect law and order, under the ordinary laws of the country. Exception is being taken to this exceptional measure being retained on the Statute-book as if it was an ordinary law of the land. We have to see whether any such exceptional measure is needed in the present circumstances to be retained on the Statute-book for the purpose for which it might have been needed at any particular time in the past. That is the real point, Sir. I might say that to my mind the whole of this measure beginning from the Preamble was a grave violation of the liberties of the subject and (subject to correction), I have been unable to find any parallel in the history of any country for such wide and general powers being given to the executive at any time. In order to satisfy myself on this point, I have just consulted the Coalition Acts of Ireland which were passed by the British Imperial Government in those times when there were disorders in Ireland, probably about the time when the Phoenix Park murders took place. There also I find that they were very careful to specify the particular circumstances which had necessitated such a legislation in the Act itself (in the Preamble), and did not use such general terms as have been used in this Act. The Preamble of this Act says that one of the objects of the law is "the prohibition of associations dangerous to the public peace." Such a phrase is very extensive and very drastic : it can cover anything. Looking at the general lines of progress, everything turns on public peace. Any progressive movement may be considered by the powers that be as dangerous to public peace. Ordinarily they do not need special measures of this kind to protect public peace. They have ample powers under the general criminal laws of the country to maintain public peace and order without resorting to special legislation, unless special circumstances justify such legislation. Are we to suppose that these special circumstances exist in the country at the present time ? I submit, they do not. Is this law going to be a permanent feature of the law of the country ? Are the powers that were given to the executive for exceptional circumstances going to be maintained for ever ? I submit they should not.

The case on the merits which has been argued by the Honourable the Home Member is so extraordinarily weak that I do not think many arguments are needed to demolish it. I will divide his arguments into two parts. He has given you certain cases of disorder in the Presidencies of Madras and Bombay. He has said that he himself was connected with the Presidency of Bombay and he has also stated that in those Presidencies no need or occasion arose to apply the law or at least the Local Governments did not apply it in these Presidencies. Is not that conclusive evidence to the effect that the Government can carry on its administration and check such disorders and punish the people concerned in such disorders without the help of this special law ?

**The Honourable Mr. J. C. Crerar :** I rise to a point of personal explanation, Sir. I think I pointed out quite clearly that so far at any rate as Madras was concerned, the condition of affairs that arose was so extensive and so dangerous that so limited and restricted a measure as the second part of the Criminal Law Amendment Act could not have been effective ; I never contended for a moment that circumstances had not arisen which, if they had been less extensive and less dangerous, might not have been effectively dealt with by this Act.

Lala Lajpat Rai : I am not concerned at all with the opinions of the Honourable the Home Member as to the circumstances that existed. I am merely concerned with the fact that the law was not extended, and was not applied, to those Presidencies. That is the outstanding fact on which I rely and we know that the Government of the Bombay Presidency was given credit at that time that they practically suppressed the non-co-operation movement or at least they professed to have suppressed it, without the help of this law. They punished all disorders without having recourse to these repressive laws, *i.e.*, without the extension of the Seditious Meetings Act or the Criminal Law Amendment Act. Credit was taken by that Government and that credit was extensively given to the then Governor of the Bombay Presidency, for this, though in those Presidencies, the non-co-operation movement was not a bit less strong than in Northern India. The disorders that are being relied upon in support of the contention that this law ought to be retained on the Statute-book were not very many. Instances of such disorders in the south and the west were in no way less than those which took place in the Northern parts of India. But still the Governors of those Presidencies did not consider it at all necessary for the preservation of the public peace and for the maintenance of law and order to extend the provisions of this law to their parts of the country. I submit this is conclusive evidence of the fact that the Government has ample powers in the ordinary criminal law of the country to punish all breaches of the peace and all breaches of order without having recourse to this extraordinary law and also to prevent disorder. That argument, instead of helping the Honourable the Home Member in opposing this Bill, practically demolishes the whole of his case. The fact is that when Governments become nervous and panicky, they do not want to have recourse to the ordinary provisions of the law and to the ordinary Criminal Procedure Code. They want executive summary powers to declare so and so, so that the presumptive evidence will be in their favour. That is what has been given to them under this Act. What was done in Northern India ? This Act was originally enacted to suppress the alleged secret societies in Bengal, but when the non-co-operation movement came on and became strong in Northern India with an open volunteer movement, with its avowed legal objects, it was used to suppress it. Of course, all movements are liable to be abused and occasionally there is bound to be some violation of the original objects. People are liable to exceed their legitimate purposes and be carried away by their enthusiasm, but the ordinary law of the land ought to be sufficient for that purpose. But Governments are not satisfied with that ; they do not want to adopt the ordinary course of proving their cases. They want a provision to declare by an executive order in the exercise of a summary secret power, like the one given by Regulation III of 1818, that such and such association is illegal, unlawful, and therefore it ought to be suppressed and persons who are members of that association ought to be punished. I submit there can be absolutely no justification for such a position. I submit that there was no justification whatsoever for declaring that the Volunteers movement of the Congress was an unlawful association at all, even assuming for the sake of argument that there were here and there such disorders and such breaches of the peace as might have been punishable under the ordinary criminal law of the land. The very fact that the Congress Volunteers Association was declared an unlawful association and that

people were punished under the provisions of this special law establishes a clear and flagrant case of the abuse of the powers given under this Act and no more instances are required to prove that the power should not be retained by the executive any longer.

I submit, Sir, that one of the complaints made by my Honourable friend Sir Hari Singh Gour was that he was not supplied with a correct copy of the Act on which this Bill is based. In that connection, just by way of a remark, I wish to say that we on this side of the House are in a very unfortunate position. We cannot be expected to bring all our library and up-to-date corrected copies of all Acts with us every time we come to the Assembly. We have to depend upon the library which is provided for the Legislative Assembly, and if in that Legislative Assembly Library, Government does not care to keep corrected copies and up-to-date amended copies of Acts, I submit the Government are to blame and not ourselves. It is very easy for the Government Members to get up and say to our face : " Oh, this is not based on a corrected copy of the Act ". Here, I want to remind Honourable Members that this complaint was made by us even in the last Session, when the Steel Industry (Protection) Bill was introduced, that correct copies of Acts were not available in the Library for the use of Honourable Members of the House. Complaints were also made that no adequate literature was available in the Library so that Members could consult it. Nothing has been done till now to improve the state of the Library. All the copies that are available in the Library are those which are said to be unamended and uncorrected. Yet when we use the copies supplied to us by the Library, the fact of the copy on which we rely being incorrect is thrown at us and used as an argument against our case. We cannot carry the whole law in our brains. When we are supplied with such uncorrected copies, I submit, Sir, it is the Government that is to be blamed and not we. I hope the Government will take care and keep the Library up-to-date so that we can be supplied with corrected and amended copies of all Acts when required.

But, Sir, I think the amendment pointed out by the Honourable the Home Member has made the case worse so far as open associations are concerned. The original Act gave power only to the Governor General in Council, but the amended Act gives that power to the Local Governments. So that the slight check which the Governor General in Council might have exercised over Local Governments and in this connection the little care and caution which the Government of India might have exercised in applying the provisions of the Act, have also been impossible under the so-called amended Act, as it stands now. Any Local Government can take it into its head to apply the provisions of this Act and declare *any* association unlawful.

**The Honourable Mr. J. Crerar :** Not *any* association.

**Lala Lajpat Rai :** Every Local Government, if it takes it into its head to suppress any association, may declare it unlawful, as they did in the case of the Congress Volunteers Associations on the ground that they considered it dangerous to public peace. My Honourable friend wanted us to give instances of the abuse of such powers by Local Governments. It may not be strictly relevant to this case, but I will give you



[Lala Rajpat Rai.]

an instance of the legal acumen and the legal understanding generally shown by Local Governments in applying this kind of laws to particular cases. The Punjab Government with all its legal machinery at its back declared the private meetings of the Provincial Congress Committee and the City Congress Committee of Lahore to be public meetings liable to be prohibited under the Seditious Meetings Act. (Shame). Having proceeded to interpret the law in that high-handed fashion, they prosecuted four honourable citizens, got them convicted and sent to jail. Then the Government of India had to come to the rescue and order the release of those people who had been convicted under that law at the instance of the Punjab Government. I do not say that all Local Governments do that ; I do not believe that all do so. But here is one concrete instance of a Local Government with all its machinery going entirely wrong and abusing the powers given to it by the law and declaring private committee meetings of a public body which had not been declared unlawful liable to be prohibited under the Seditious Meetings Act. I see an honourable member representing that Local Government adorning the opposite benches and he might justify the action and the conduct of the legal machinery of that Local Government. Having perpetrated that wrong, that outrageous wrong, the Government has not up to this time apologised for that mistake by which they sent four respectable citizens of the province to jail. They had to rot in jail for seven weeks and then the Local Government without any apology whatsoever and without any excuse simply said : "the Governor General has held that this is a mistake and that this is a wrong conviction and we therefore release these people". The conviction still hangs against their heads. I may also tell the Honourable the Home Member that it was not the virtuous and magic powers of this Act that caused the Volunteer movement, as he thinks perhaps, to collapse. We all went to jail, not because this Act existed, but because we did not want to defend ourselves. (Hear, hear.) We did not want to use the ordinary machinery of the law for the purpose of proving that we were innocent. It was not they who sent us to jail under the powers given under this Act. We voluntarily went to jail to vindicate what we considered to be our position. We might have been right, or we might have been wrong. But the Honourable the Home Member cannot take the credit of that result for this Bill, and say it helped the Government in maintaining law and order and restoring normal conditions.

Sir, the unlawful associations contemplated by this Act might be of two kinds—secret bodies or open associations. If they are secret bodies, and if they commit crimes of this nature—crimes of violence and intimidation—there is enough provision in the Indian Penal Code to punish them. We all know, and the Honourable the Home Member must know, that there is provision in the Indian Penal Code under which any member of an unlawful assembly can be proceeded against for the acts of other members done in pursuance of their common object and punished. If any member is proved guilty of violence or intimidation, surely all the members who took part in it in pursuance of that common object can be punished. Where is then the necessity for providing a special Act or to keep section 15 (b) on the Statute-book ?

The justification for such a law that was given at the time the Bill  
 3 P.M. was passed was that Bengal was then in a condition  
 of anarchy and the Government could not bring the  
 offenders to punishment by the ordinary processes of law. According  
 to their own statement, that necessity having ceased to exist or having  
 been provided by still more drastic laws, such as the Bengal Ordinance  
 and Regulation III of 1818, this Act has become useless and has no *liason*  
*detre* to remain on the Statute-book. It is merely irritating and an-  
 noying, and the Government ought to have come forward itself to repeal  
 this Act and to show that they do not intend to maintain these powers,  
 which were taken for exceptional purposes, for all time to come. I sub-  
 mit that their not having come forward in this way shows that they are  
 not prepared to allow the progress of the country to proceed on normal  
 lines, that they must continue to irritate and annoy people who have the  
 progress of the country at heart and who do not want to make a fetish  
 of peace. Peace is a very good thing in itself, but sometimes in order to  
 make progress peace has to be disturbed, and there are the ordinary laws  
 of the country to meet such a situation. Every Government must main-  
 tain peace ; that is perfectly justifiable ; and we have laws for that  
 purpose. Special laws are only needed on special occasions and at  
 particular times. Therefore, I consider that every non-official Indian  
 who consents to the general application and unlimited duration of such  
 laws is practically guilty of being an enemy of the progress of his own  
 country—when he consents to the continuance of such laws or when he  
 signs a report like that of the Repressive Laws Committee. I think this  
 is nothing but a slur on our good sense and not only a slur but a handicap  
 to progress to let a Local Government say : “ Such and such  
 an association or body of people are very annoying, they are very in-  
 convenient, they cause trouble ” and thereupon let us declare them an  
 unlawful association. Of course it is said on the other side, that the  
 Heads of Local Governments or the Members of the Executive Councils  
 are not going to be so unreasonable as that ; but we know what “ reason-  
 able ” and “ unreasonable ” mean. The words reasonable and un-  
 reasonable practically have no meaning in the dictionary of Governments  
 and much less so in the dictionary of foreign Governments. It is the  
 exigencies of the times that practically determine the reasonableness  
 or unreasonableness of an action. If a Government thinks that the main-  
 tenance of their prestige demands the exercise of such extraordinary  
 power, they feel no hesitation in doing so. When they take that power and  
 exercise that power, how can they talk of being reasonable or unreason-  
 able ? Those words do not exist in their dictionary, or have a different  
 meaning. If a law can provide for the prohibition of all institutions and  
 societies that may tend even remotely to disturb the public peace then  
 good-bye to all progress. If that were the correct view then all sorts of  
 political associations and bodies in England, in France, must be declared  
 to be unlawful by executive orders of the Governments. My friends talk  
 of other parts of the Empire. But who can compare the case of Ireland  
 with that of India ? Is there any comparison, I ask, between the two  
 countries ? Absolutely none. My friend over there is laughing. He is  
 an Irishman who is very proud of the stand made by his people in getting  
 Home Rule for Ireland. I congratulate him in taking that pride, but is  
 there absolutely any comparison between the present condition of Ireland

[Lala Lajpat Rai.]

and this country ? I admit that Governments do sometimes need special provisions of law ; and if the Cosgrave Government wants to maintain its power by passing certain laws, is that any justification why in a country like this of 300 million people where sometimes and very occasionally disorder occurs, you should say that you are never going to let us alone except by the propagation and maintenance of these laws ? I submit that is not honourable nor reasonable. Hit at us straight. There is the ordinary law. If we are guilty of any violence, if we are guilty of any intimidation, try us in the ordinary courts of justice and punish us if you will ; we have no cause to complain. If we defy your laws we shall deserve punishment. But do not take this back-handed power to declare associations unlawful, to declare people guilty in your secret chambers and convict them upon no evidence but by the fact of the association to which they belong having been declared unlawful by the Governor General in Council or by the Local Government.

By that I submit you are pursuing what I would call a cowardly process which no respectable and civilised Government ought to pursue. We warn you, therefore, in your own interests ; we want you to show yourself a brave Government, a civilised Government, depending upon the ordinary laws of the country and not on exceptional legislation of this kind to maintain peace and public order in this country. If you really cannot maintain peace and public order under the ordinary laws of the land, then you condemn yourself ; you condemn yourself very severely of your own incapacity and your unfitness to govern. This Act is not needed. Why should you need these executive powers to declare associations unlawful and to declare committee meetings of public bodies to be seditious ? In the case of secret societies such as you allege to have found in the Kakori case and the Bolshevik trial at Cawnpore, you cannot reach them except by the ordinary laws of the land. Did you at all use this Act in order to trace the Kakori dacoity or to prevent the spread of communist feeling or communist propaganda in this country ? You cannot touch them in that way. You can only touch them under the ordinary laws of the land. You have not yet declared any associations unlawful under that heading. What is the use then of bringing forward an argument based on such cases ? You only use the powers under this Act in the case of open bodies like the Congress Volunteers and you make improper use of this Act to declare such a high-minded association to be unlawful and to punish its members simply on presumptions and assumptions without giving the necessary proof in the court of law against them. I submit that is unworthy of a civilised Government. There is absolutely no need at the present moment—you yourself admit it—for such a law. The Under-Secretary of State says that the political situation in India has vastly improved, that the non-co-operation movement is dead and there is absolutely no resistance to your authority. These occasional outbursts, like the Kakori case or the Bolshevik trial at Cawnpore, do they justify your keeping this law ? If on your own admission the country is at the present moment in a normal condition and the political situation has vastly improved as the Secretary of State says, where then is the necessity for your opposing the repeal of this Act ? You should have generously come forward and said : “ Yes, the political situation has

completely improved ; there is absolutely no need of any repressive laws at the present moment, and we shall readily agree to the repeal of this Act." But your opposition shows one of two things : either those statements are false, absolutely false, and the political situation has not improved, or it has really improved ; (though I think from our point of view it has deteriorated, not improved) but from your point of view it has improved and we are at the present moment considering your point of view. Well, if it has really improved and if you really boast of having improved it by your administrative measures, by your diplomacy and your policy, then why oppose the repeal of this Act ? Why do you not generously come forward and say : "We do not require this exceptional legislation now ; you have become good boys." Well, either we are good or we are bad. If we are good boys or have become good boys, then this Act is no longer needed. If we are still bad boys, then you are not right in saying that we have become good boys and have turned over a new leaf. One of these two statements must be wrong. I submit the Government are not properly advised in opposing the passing of this measure. In all countries which are progressive, where there is life, there will be occasional outbursts of disorder, there will be occasionally cases like the Kakori case, there will be occasionally cases like the Bolshevik trial at Cawnpore ; you cannot keep this kind of law for those occasional cases. If there is a widespread secret agency that is undermining the peace and progress of the country, then you may be justified in providing special legislation. But when you yourself admit that there is no widespread conspiracy—perhaps you may try to make out an exception in the case of Bengal—I do not know of any reason why you should still insist on having this law.

**Mr. President :** The Honourable Member is perfectly within his rights in speaking at this great length ; but I understand Honourable Members are very anxious to get through all the stages of this Bill to-day and they should not find fault with the Chair or with the Government if they are disappointed.

**Lala Lajpat Rai :** I am not going to prolong this argument ; but, Sir, you will pardon my saying that after the rhetorical speech of the Honourable the Home Member it was necessary to point out the flaws in his argument.....

**Mr. President :** Which is the more important from the Honourable Member's point of view ?

**Lala Lajpat Rai :** Under these circumstances, I appeal to this House that they should unanimously vote for the passing of this Bill. If there are any defects in the drafting of the Bill, I think those defects can be remedied by agreeing to verbal alterations in the Bill. I quite agree with the other side that the real vital part of the Bill is clause (b) of section 15. It is that we are attacking and it is that we want to get rid of.

**The Honourable Mr. J. Crerar :** Sir, I do not propose to follow the Honourable Member who has just resumed his seat after a very eloquent speech in the whole course of his argument, firstly, because I have already delivered my own case on the general merits and I do not wish to be guilty of vain repetitions, and secondly, because I frankly do not hope, expect or intend to compete with the Honourable Member in eloquence. I have, however, something to say on the question of his reasoning.

[Mr. J. Crerar.]

The Honourable gentleman complained that I had spoken of disturbances which arose in Madras and in Bombay and he contended that because those disturbances had not been brought under the application of this Act, that was a conclusive case against the merits of the Act. Now, Sir, I think I have already explained why I adduced those two cases. They were neither, I submit, irrelevant nor were they without cogency with regard to the general lines of my case. I will not, however, go over that ground. The particular point I wish to make in regard to the Honourable Member's speech is this. I have repeatedly challenged Honourable gentlemen on the other side of the House to adduce instances of any conspicuous abuse of the powers under this Act. Now, Sir, what did the Honourable gentleman reply? He adduced no instance whatsoever of the abuse of the second part of the Criminal Law Amendment Act, but he made one allegation of an abuse of the Seditious Meetings Act. Now, it appears to me that the argument is this: the Honourable gentleman adduced an instance of what he alleged was an instance of the abuse of the Seditious Meetings Act. Now that is a totally different Act.

**An Honourable Member :** This was also abuse.

**The Honourable Mr. J. Crerar :** The Honourable gentleman will excuse me, but it is as if a person should be accused of, let us say, criminal breach of trust and the prosecution, being unable to adduce a scintilla of evidence on that charge, adduced evidence alleging that on some other occasion he was guilty of, say, criminal trespass and on that plea he proposes that the accused person should be convicted of criminal breach of trust. That, Sir, so far as I understand, is the argument, and if that, Sir, is the kind of argument that is to be adduced against this Act as a whole or in favour of this particular clause, then I say it is an extremely faulty argument and the cause which it supports is not one to which the House ought to lend its support.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-official) : Sir, I sympathise and I have got every sympathy with the Mover in his political aspirations on the grounds of which he has introduced his Bill. (*An Honourable Member* : "Many thanks.") All of us who live in India can share the sentiments of the Honourable the Mover of the present Bill. Nobody who is connected with the legal profession can in any way think it advisable that recourse should be had often to special laws or that special laws of that nature which give very extraordinary powers or are ambiguously worded should remain on the Statute-book for long. But here we are faced with one problem only. We are not to deal with the sentiments, we are not concerned with what ought to have been done or what should be done, but here we are faced only with one question—what the Bill is, whether it is desirable to pass clause 2 of the present Bill or not.

We have to judge it only on legal grounds. To my mind, Sir, if clause 2 of the Bill is passed, it will amend the existing law in such a way as to make it more ambiguous than it is at present. It will not remedy the disease which the Honourable Mover desires to cure. What will be the effect of passing clause 2 of the Bill? It will only take away one of the definitions from clause 15 of the Criminal Law Amendment

Act, and the definition of an "unlawful association" in clause (a) will remain as it is. An "unlawful association" has been defined in clause (b) as follows :

"which has been declared to be unlawful by the Local Government under the powers hereby conferred."

If this definition is removed but section 16 of the Criminal Law Amendment Act is allowed to remain on the Statute-book, the effect will be that an "unlawful association" will be defined in two ways, one as it is defined in clause (a) which reads as follows :

"which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts."

or—because the word "or" is not sought to be repealed—as defined in section 16 which says :

"If the Local Government is of opinion that any association interferes or has for its object the interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the Local Government may, by notification in the official Gazette, declare such association to be unlawful."

This means, Sir, that we will have two definitions of "unlawful associations" still in the same Act, namely, as defined in section 15 (2) (a) and as defined in section 16. Repealing the definition in 15 (2) (b), which has to be read with section 16, has got no sense to my mind unless section 16 is also repealed. If Government are of opinion that certain associations are unlawful and declare them as such, and prosecute them, what will be the effect ? Section 17 does not want that any association, which has been declared to be unlawful, should be proved to be such by any evidence. If Government finds that any person belongs to an association which has been declared to be unlawful under section 16, they can at once arrest him and put him on his trial. All that they have got to prove is only that the man belongs to such-and-such an association or is still connected with such-and-such an association, and that man can only plead whether he belongs to that association or not.

The effect of this Act will still remain the same even if this Bill be passed and sub-clause (b) of clause (2) of section 15 be removed. The Honourable and learned Member is so well known for his books on criminal law and is supposed to be an authority on criminal law so far as books are concerned, that I do not know how it escaped his attention that this Bill will only make it the more ambiguous. It will make the law more intricate and more ambiguous, and the Honourable Member did not care to remove the real thing which is so obvious that anybody who reads the Act will understand it. The grievances which the people could have, have been pointed out by the Honourable Lala Lajpat Rai who has made a long speech, but even he did not point out where the remedy lies. The only remedy which he should have suggested was not the removal of sub-clause (b) of clause (2) of section 15, but the amendment of the words "the Local Government is of opinion." These words make everything so ambiguous that even if sub-clause (b) of clause (2) of section 15 were cut out it would not make any difference. I do not see therefore any advisability of passing this Bill. Of course, we deplore that the Legislature in 1908 passed a Bill like this giving extensive powers which they never should have done to the executive by putting in the words "is of opinion", and the Indian Members at that time did not care to think of this and put in a more suitable phrase. Even on the

[Mr. Muhammad Yamin Khan.]

last debate which took place about two years ago it was pointed out by me that the only remedy which they ought to have put forward was to replace these words by some more suitable words. By not doing so you still leave the same weapon in the hands of the Government and go about the thing in a roundabout manner. Though the Legislature in 1908 did not notice it, is it befitting that a Legislature of this kind, where it is adorned by men like Sir Hari Singh Gour, should pass a Bill which will require further amendment in future Legislatures? We should have expected that experienced people as they are, they should have brought in a measure which will be good for a long time to come. But here we have a measure which speaks for itself. I am not going to beat about the bush by arguing whether the words are "Governor General in Council" or "Local Government". This might be a defect in drafting the Bill, this might have been ignored by Sir Hari Singh Gour because he had a copy which contained the words "Governor General in Council". But what about section 16? He read carefully section 16 and he still wants another clause to be added to section 16 as 16-A. But it does not remedy the matter at all. I am not going to comment on that section because we are dealing only with clause 2 at present. When the time comes, I will show that the addition of the new clause does not remedy matters at all. You will only leave an intricacy and the High Courts will be bothered and probably some of those who are in the legal profession may be benefited by an ambiguous provision like this, but the public as a whole will not benefit by it. On this legal ground I oppose the insertion of this clause. I have got several other grounds besides this. I will just give the Honourable Members of this House one instance. We hear the Honourable Dr. Gour say: "We gave a pledge to our constituencies. Here we are to please them". But, Sir, we are here to see that our country does not get a law which might be more abused than the present law.

Mr. Jammadas M. Mehta (Bombay City : Non-Muhammadian Urban) : What is your constituency?

Mr. A. Rangaswami Iyengar : The Government.

Mr. Muhammad Yamin Khan : Is it not a fact that in 1921 the Congress did not want any violence? It wanted everything to go on peacefully. Is it not a fact that most of the people who acted in the name of the Congress and the Khilafat committed violence? Is it not a fact that those who disagreed with the Congress and the Khilafat were threatened, ridiculed and jeered at simply because they did not agree with the Congress and the Khilafat people? I will give you the instance of Maulvi Abdul Ahad who died in Delhi and whose corpse was returned from the cemetery. It was only taken back after certain assurances were given by the descendants of the deceased that he shared the same views as the Khilafat people. Don't you think that certain measures are necessary to check people of that kind? I do not refer to the real persons of the Congress and the Khilafat and the real followers of Mahatma Gandhi, but those who pretended to act in the name of those bodies. Is not a measure necessary to stop people from repeating those incidents, which took place only five or six years ago? It may be a justification to say that no such thing is happening to-day. But law is not

made for a day or two. Unless some time elapses which justifies your saying that these things have stopped and there is no likelihood of those things being repeated, you cannot ask for the removal of this Act from the Statute-book. You ought to bring in an amendment to section 16 instead of removing a clause which says : " has been declared to be unlawful by the Government under the powers hereby conferred."

Now, to limit those powers ought to have been your remedy, and not to repeal this clause and sub-section and retain section 16. Now, Honourable gentlemen opposite on the Swarajist benches may say here that they did not share the views of the United Provinces Ministers at that time, but I might tell the Nationalists that they did share their views. I know personally that in 1921 the head of the Government in the United Provinces, Sir Harcourt Butler, was not willing to have recourse to this Act, but action was taken under this Act only with the full concurrence and full approval of people of very nationalistic views like the Maharaja Sahib of Mahmudabad, Mr. Chintamani and Pandit Jagat Narain, who then formed the majority in the Cabinet in the United Provinces, and all the cases under this Act were tried with the full concurrence and support of these Ministers who, as I said, then formed the majority in the Government. (*Cries of ' No, no ' from the Swarajist Benches.*)

**Lala Lajpat Rai and Pandit Madan Mohan Malaviya :** That statement is not correct.

**Mr. Muhammad Yamin Khan :** Nobody can deny it.

My friends Pandit Malaviya and Lala Lajpat Rai may cry " No " now, but these very gentlemen had several times accused the members of the Cabinet in the United Provinces for giving their concurrence to try cases under this Act.

**Mr. M. S. Aney** (Berar representative) : On a point of order, Sir. Is the Honourable gentleman in order in making a public statement here with regard to the proceedings which were of a confidential nature ? The Honourable Member evidently refers to the meetings of the Executive Council of the United Provinces Government.

**Mr. Muhammad Yamin Khan :** I make my statement from what appeared in the Press at that time, from the accusations that were levelled at the Ministers in the United Provinces at that time and the reticence which these gentlemen observed, and these things justify me in saying what I say to-day. There is no denying the fact that all these cases were tried under this clause with the full concurrence of the Ministers who formed a majority at that time in the United Provinces Government. But if that is not a fact, then it is an open convention that if a Member of the Government thinks that he cannot agree with the views of the majority of the Government and the Government is bent upon proceeding with a measure which he thinks is injurious to the country, the only course left to him is to resign from the Government. But as these Honourable gentlemen did not choose to do so, the only conclusion that the public can arrive at is that they gave their full concurrence and approval to Government's action.

**Mr. N. M. Joshi** (Nominated : Labour Interests) : May I ask the Honourable Member a question, Sir ? Does he not know that the



[Mr. N. M. Joshi.]

Ministers are bound by oath not to divulge the proceedings which take place in confidence in the Cabinet? (*Several voices from the Swarajist Benches*: "He knows all that.")

**Mr. Muhammad Yamin Khan**: Sir, I cannot go on replying to all these questions if Honourable Members do not know the ordinary conventions existing in all constitutional Governments. (*Ironical cheers from the Swarajist Benches*). As I have pointed out, the only course open to the Ministers or members of the Cabinet, if they cannot agree with the views of the Government, is to resign and come out honourably to show that they will have nothing to do with such a Government. As, however, they did not choose to do so, the only inference the outside public could draw was that they were in full agreement with the views held by the Government at that time on this question.

**Mr. Rafi Ahmad Kidwai** (Lucknow and Fyzabad Divisions: Muhammadan Rural): May I ask a question, Sir? Is the Honourable Member sure that the Ministers were consulted in the matter?

**Mr. Muhammad Yamin Khan**: I have shown that clause 2, on account of legal difficulties, cannot be retained.

I have shown that politically it is not desirable at present. The challenge has been thrown out to Honourable Members to show that it had ever been abused. Talking of sentiment, what sentiment is there? (*Laughter*.) Yes, some Members might please themselves by shouting or by loudly making a demonstration of a kind which befits them only, but they cannot influence the judgment of people who want with cool heads to go into matters (*Laughter*) which benefit the people. Legislation can never be improved by bluffing or getting emotional or simply by laughing. (*Laughter*.)

**Several Honourable Members**: I move that the question be now put.

**Mr. T. A. K. Shervani** (Cities of the United Provinces: Muhammadan Urban): Sir, the only question before the House is whether the clause which is sought to be repealed should be retained in the Act or not. There could have been only two justifications for the retention of the clause, one that there are times when the Government require certain special measures to protect society from certain political organisations. I assure the Honourable the Home Member that so far as that function is concerned, you have tried the measure not only once but several times and it has proved ineffectual. Instead of stopping or suppressing those associations, this clause, Sir, has served as an incentive to violate the Act. It has been tried in the past; and try it again in future, the result will be the same. Another justification, however, for the retention of this clause in the Act would have been—and I had been anxiously waiting these two years and had been looking to the Government to do it—to make use of this Act in suppressing certain communal organisations. But I am sorry to say that the Government lost that opportunity. For the last two years certain communal associations are playing havoc in the whole country. There is more disorder created by these associations than by any other association which the Government wants to suppress by means of the Act, but Government would not apply

this Act, and I do not think Government are in a mood to apply this Act to them in future ; and therefore the Government have got no justification whatsoever for retaining the clause in the Act.

Sir, so far as the misuse of this Act is concerned, at least I can give the House one instance. In 1921 I believe 55 members of the United Provinces Congress Committee were arrested under this Act. I am not certain, but I think that 55 members of the Congress were arrested under this Act. Was there any justification for the Government of the United Provinces to apply the Act and arrest 55 Congress members and to apply this Act to an association like the United Provinces Congress Committee ? (*An Honourable Member* : Including Pandit Motilal Nehru). Now, Sir, I beg to submit that the Act is ineffectual in suppressing those associations which they want to suppress by it, and the Government do not apply the Act for suppressing those associations which they ought to suppress, therefore there is no justification whatsoever for the retention of this whole Act, still less of this clause.

As regards the arguments advanced by the learned gentleman who preceded me I am sorry to say that, so far as the legal aspect of the question is concerned, I could not follow him, though I tried my level best to do so ; so far as the logic and the argument were concerned, I was unable to appreciate them, and so far as sentiment was concerned, he had none. 'So, as a matter of fact, there was nothing in the argument which calls for a reply.

Now, as regards the arguments that Government do require some special Act, to meet special circumstances, no doubt certain things do occur in a country which require the help of special laws, but as to that I assure the Government that there is one section which fulfils the function of this Act as well as a hundred others which the Government might have enacted. That section is S.-144 of the Criminal Procedure Code. So long as section 144 is in the Criminal Procedure Code, Government do not require any special law. It is an all-sufficient and all pervading section. It has been used (*An Honourable Member* : "And abused") and abused as my Honourable friend says in all sorts of cases and that gives all the powers to the Government which they need ; especially when there is another section also in the same Code, I mean section 108, I do not think Government require any special law to suppress individuals, to suppress associations and to suppress any and every measure which the people think fit to adopt. As the time is very short, I will not take up any more time of the House. The whole case which the speakers on the side opposite tried to make out, referred to the period before the last two years. There may have been special circumstances then ; but the condition in which we are at present, the state of affairs and the conditions which are prevailing in the country to-day are such that they do not require any special law. We are sufficiently cowed down, and therefore, I submit that this is the most fit and proper time for repealing the clause which is sought to be repealed.

(Several Honourable Members moved that the question be put.)

**Mr. President** : The question is that the question be now put.  
The motion was adopted.

**Mr. President** : The question is :

"That clause 2 do stand part of the Bill."

(A division was called for.)

**Mr. President :** The bell is not ringing ; the electricity has gone off. I would therefore ask the Whips of the Parties, if they choose, to call their members in.

(After the lapse of the usual interval the question was again put and the Assembly divided :)

## AYES—52.

Abdul Matin Chaudhury, Maulvi.  
 Abdullah Haji Kasim, Khan Bahadur Haji.  
 Aiyangar, Mr. C. Duraiswamy.  
 Aney, Mr. M. S.  
 Ayyangar, Mr. M. S. Sesha.  
 Belvi, Mr. D. V.  
 Bhargava, Pandit Thakur Das.  
 Chetty, Mr. R. K. Shanmukham.  
 Dakhan, Mr. W. M. P. Ghulam Kadir Khan.  
 Das, Pandit Nilakantha.  
 Dutt, Mr. Amar Nath.  
 Dutta, Mr. Sish Chandra.  
 Farookhi, Mr. Abdul Latif Saheb.  
 Ghazanfar Ali Khan, Raja.  
 Gour, Sir Hari Singh.  
 Haji, Mr. Sarabhai Nemchand.  
 Ismail Khan, Mr.  
 Iswar Saran, Munshi.  
 Iyengar, Mr. A. Rangaswami.  
 Iyengar, Mr. S. Srinivasa.  
 Jayakar, Mr. M. R.  
 Jinnah, Mr. M. A.  
 Jogiah, Mr. Varahagiri Venkata.  
 Joshi, Mr. N. M.  
 Kidwai, Mr. Rafi Ahmad.

Kunzru, Pandit Hirday Nathi.  
 Lahiri Chaudhury, Mr. Dharendra Kanta.  
 Lajpat Rai, Lala.  
 Malaviya, Pandit Madan Mohan.  
 Mehta, Mr. Jammadas M.  
 Mitra, Mr. Satyendra Chandra.  
 Moonje, Dr. B. S.  
 Mukhtar Singh, Mr.  
 Naidu, Mr. B. P.  
 Neogy, Mr. K. C.  
 Pandya, Mr. Vidya Sagar.  
 Phookun, Sijut Tarun Ram.  
 Rang Behari Lal, Lala.  
 Roy, Mr. Bhabendra Chandra.  
 Sarda, Rai Sahib Haibilas.  
 Shafee, Maulvi Mohammad.  
 Shervani, Mr. T. A. K.  
 Siddiqi, Mr. Abdul Qadir.  
 Singh, Mr. Gaya Prasad.  
 Singh, Mr. Narayan Prasad.  
 Singh, Mr. Ram Narayan.  
 Sinha, Kumar Ganganand.  
 Sinha, Mr. R. P.  
 Sinha, Mr. Siddheswar.  
 Tok Kyi, U.  
 Vishindas, Mr. Harchandrai.  
 Yakub, Maulvi Muhammad.

## NOES—40.

Abdul Qaiyum, Nawab Sir Sahibzada.  
 Ahmad, Khan Bahadur Nasir-ud-din.  
 Alexander, Mr. William.  
 Anwar-ul-Azim, Mr.  
 Ashrafuddin Ahmad, Khan Bahadur Nawabzada Sayid.  
 Ayyangar, Mr. V. K. Aravamudha.  
 Ayyangar, Rao Bahadur Narasimha Gopalaswami.  
 Bajpai, Mr. G. S.  
 Blackett, The Honourable Sir Basil.  
 Bray, Sir Denys.  
 Coatman, Mr. J.  
 Cocks, Mr. H. G.  
 Cosgrave, Mr. W. A.  
 Courtenay, Mr. R. H.  
 Crerar, The Honourable Mr. J.  
 Crofton, Mr. R. M.  
 Dalal, Mr. A. R.  
 Dalal, Sardar Sir Bomanji.  
 Donovan, Mr. J. T.  
 Dunnett, Mr. J. M.

Haigh, Mr. P. B.  
 Irving, Mr. Miles.  
 Jowahir Singh, Sardar Bahadur Sardar.  
 Kabul Singh Bahadur, Captain.  
 Keane, Mr. M.  
 Kirk, Mr. R. T. F.  
 Lamb, Mr. W. S.  
 Mitra, The Honourable Sir Bhupendra Nath.  
 Moore, Mr. Arthur.  
 Mukherjee, Mr. S. C.  
 Parsons, Mr. A. A. L.  
 Rainy, The Honourable Sir George.  
 Rajah, Rao Bahadur M. C.  
 Sams, Mr. H. A.  
 Sassoon, Sir Victor.  
 Singh, Rai Bahadur S. N.  
 Tonkinson, Mr. H.  
 Wright, Mr. W. T. M.  
 Yamin Khan, Mr. Muhammad  
 Young, Mr. G. M.

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. President :** The question is :

“ That clause 3 do stand part of the Bill.”

**Pandit Madan Mohan Malaviya :** Sir, I beg to move :

“ That in clause 3 the following amendment be made :

‘ For the word ‘ after ’, the word ‘ for ’ be substituted ’; and

‘ For the word ‘ inserted ’, the word ‘ substituted ’ be substituted.”

That is my first amendment. We are grateful to the Honourable Mr. Wright for having put these amendments in proper form.

**Mr. H. Tonkinson :** Might I suggest, Sir, that it would be for the convenience of the House if the Honourable Member moves all his amendments together because they will leave one clause which can then be discussed as a whole.

**Sir Hari Singh Gour and Pandit Madan Mohan Malaviya :** We are quite prepared to do that.

**Pandit Madan Mohan Malaviya :** With your leave, Sir, I will do it.

**Mr. President :** Are they all connected amendments ?

**Pandit Madan Mohan Malaviya :** Yes, Sir.

**Mr. President :** In that case you can move all the amendments together, and I will treat them as one amendment.

**Pandit Madan Mohan Malaviya :** Sir, I propose :

“ That in clause 3 of the Bill the following amendment be made, namely :

(i) for the word ‘ after ’ the word ‘ for ’ and for the word ‘ inserted ’ the word ‘ substituted ’ be substituted ;

(ii) for the figures and letter ‘ 16-A ’ the figures ‘ 16 ’ be substituted ;

(iii) the words beginning with ‘ any person deeming himself ’ and ending with ‘ to be unlawful and ’ be omitted, and for the words ‘ the declaration should never have been made ’ the following be substituted, namely, ‘ the association in respect of which he was convicted was not an unlawful association ’.”

To make the matter clear, Sir, this is how the section will stand with the amendments which I have suggested :

“ For section 16 of the said Act the following section shall be substituted, namely:—

‘ 16. Any person convicted under the provisions of section 17 may appeal to the High Court on the ground that the association in respect of which he was convicted was not an unlawful association ’.”

**Mr. H. Tonkinson :** Sir, in regard to this amendment, I merely wish to point out that if it is carried, it will leave us with a Bill which is entirely different in its effect from the one which my Honourable friend asked for leave to introduce.

**Mr. President :** If that were so, it was the duty of the Government to object to the moving of these amendments without notice. The very fact that the Government did not do so shows that they regarded them as merely formal and not of substance. The Chair had certainly been all along under the impression that by common consent they were to be treated merely as formal amendments. I am therefore surprised at the line now taken by the Honourable Member.

**Mr. H. Tonkinson :** Sir, I regret that you should have had cause to object to the action which has been taken in this matter. It was only a few minutes ago that I saw and realised the purport of the amendment that has been moved by the Honourable Pandit. I said, Sir, that the effect of these amendments would be to substitute an entirely different Bill from the Bill which has been before us hitherto. Hitherto my Honourable friend has suggested that he intended by this Bill to give effect to the suggestion which was thrown out by Sir Chiman Lal Setalvad during the discussion of his Bill in 1924. According to that suggestion.....

**Mr. President :** I should like to hear the Honourable the Home Member on the question, whether, on behalf of the Government, he regards these amendments as merely formal amendments or as amendments of substance which would change the whole character of the Bill. All along the Chair understood that by common consent the amendments were to be treated as of a formal character, and therefore the Government did not make any objection to the moving of them at this stage without notice. Now an important Member, on behalf of the Government, rises in his seat and tells the House that these amendments are not merely formal but are of such a character that, if they are carried, it would leave us with a Bill entirely different in its effect from the original Bill.

**The Honourable Mr. J. Crerar :** Sir, my position in the matter is this : some objection was raised to the attitude of Government with respect to this Bill both by the Honourable the Mover and by the Honourable Lala Lajpat Rai on the ground that we stand on technical objections. I do not take any objection to the Honourable Pandit moving this amendment largely because I do not wish to give any ground for a reproach of that character. I do as a matter of fact think that the amendment does change very materially both the intention and the construction of the Bill that has hitherto been before us. However, I do not propose to stand on the ground of notice, but I shall at a later stage, if necessary, submit for your consideration an objection under Standing Order 49, if it is proposed on this occasion to move any further motion in connection with the Bill.

**Mr. President :** The Chair regrets the attitude of the Government in this matter. If it was the intention of the Government to object to the further passage of the Bill to-day under Standing Order 49, their clear duty was to object to the moving of these amendments at this stage without notice. If in their judgment these amendments were of substance and not merely of form, they should have asked the Chair to rule them out on the ground of want of notice. The Chair, and I am sure the House, were under the impression that these amendments were to be treated as formal amendments. The Chair is therefore surprised to find that Government had a mental reservation.

**The Honourable Sir Basil Blackett (Leader of the House) :** May I say a word, Sir ? Objection was taken by more than one speaker to what was supposed to be the attitude of the Government in not assisting the private Member who had introduced this Bill in getting it drafted into a shape in which it was intelligible. It was said that we were standing on formal objections in not giving that assistance which it was in our power to give from our draftsman. The draftsman immediately approached the Mover and asked him whether it was his desire that amendments that would put the Bill into a shape in which it was in formal order should

be given to him in order that he might move them. I understand that the Mover accepted that suggestion and it is in consequence of that that these amendments have been handed to the Honourable Pandit Malaviya and he has moved them. It was explained at an earlier stage that any amendment, in the view of the Government, to the drafting of this Bill was something more than a mere formality, that it was not merely a question of incorrect drafting, but that the form and structure of the Bill—I think those are the words used by the Honourable the Home Member—would require amendment, and it is only by such an alteration, which is more than an alteration of form and becomes an alteration of substance, that the Bill could be put into a shape in which it is technically correct. But, in view of the objection that you have raised, and after this explanation which shows that Government have done nothing more than try to be helpful with their draftsman, in view of your objection to the Government raising an objection under Standing Order 49 to the further passage of this Bill, I am sure that my Honourable friend, the Home Member, will have no objection to not pressing his right to make an objection under that Standing Order.

**Mr. President :** The Chair is much obliged to the Leader of the House for coming to its rescue in this somewhat difficult situation.

**Mr. H. Tonkinson :** Sir, as I was observing, my Honourable and learned friend, Sir Hari Singh Gour, has up to the present brought forward this Bill in the view that it gave effect to a suggestion thrown out by Sir Chimanal Setalvad during the discussion of his Bill of 1924. On that suggestion, Sir, the Local Government would have been allowed to make a declaration. For the purposes of that suggestion, therefore, it was absolutely essential that clause (b) of section 15 of the Act should have been retained.

That clause has already gone. After the Local Government had made this declaration, Sir Chimanal Setalvad suggested that there should be the possibility of a reference to the High Court in regard to the declaration of a Local Government. That was, I understand, the intention of the Honourable Member in bringing forward this Bill. With the clause as amended by the Honourable Pandit what we shall have will be another section for section 16 of the present Act, and under that section any person convicted under section 17 will be allowed to appeal to the High Court on the ground that the association in respect of which he has been convicted of being a member is not unlawful. That makes the Bill one of an entirely different character from the Bill which was introduced originally. That is the only point I have to submit, Sir.

**Mr. President :** The question is :

“ That in clause 3 of the Criminal Law Amendment Bill the following amendment be made :

- (1) For the word ‘ after ’ the word ‘ for ’ and for the word ‘ inserted ’ the word ‘ substituted ’ be substituted.
- (2) For the figures and letter ‘ 16-A. ’ the figures ‘ 16 ’ be substituted.
- (3) The words beginning with ‘ any person deeming himself ’ and ending with ‘ to be unlawful and ’ be omitted, and for the words ‘ the declaration should never have been made ’ the following be substituted, namely :  
     ‘ the association in respect of which he was convicted was not an unlawful association ’.”

The motion was adopted.

[Mr. President.]

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The title and preamble were added to the Bill.

**Sir Hari Singh Gour :** Sir, I move that the Bill, as amended, be passed.

**Mr. President :** Does the Home Member wish to speak on this motion ?

**The Honourable Mr. J. Crerar :** No, Sir, I have no remarks to offer on this motion. I fear I have already detained the House at length.

**Mr. President :** The question is :

“ That the Bill, as amended, be passed.”

(A division was called for.)

(When the division bells were rung, it was noticed that they were out of order.)

**Mr. President :** I hope the Whips of the Parties will take the place of the bell.

(After an interval.)

**Mr. President :** I think I have given sufficient time for Honourable Members to come in.

The question is :

“ That the Bill, as amended, be passed.”

The Assembly divided :

#### AYES—52.

Abdul Matin Chaudhury, Maulvi.  
 Abdullah Haji Kasim, Khan Bahadur  
 Haji.  
 Aiyangar, Mr. C. Duraiswamy.  
 Aney, Mr. M. S.  
 Ayyangar, Mr. M. S. Sesha.  
 Belvi, Mr. D. V.  
 Bhargava, Pandit Thakur Das.  
 Chetty, Mr. R. K. Shanmukham.  
 Das, Pandit Nilakantha.  
 Dutt, Mr. Amar Nath.  
 Dutta, Mr. Sish Chandra.  
 Farookhi, Mr. Abdul Latif Saheb.  
 Ghazanfar Ali Khan, Raja.  
 Gour, Sir Hari Singh.  
 Haji, Mr. Sarabhai Nemchand.  
 Ismail Khan, Mr.  
 Iswar Saran, Munshi.  
 Iyengar, Mr. A. Rangaswami.  
 Iyengar, Mr. S. Srinivasa.  
 Jayakar, Mr. M. R.  
 Jinnah, Mr. M. A.  
 Jogiah, Mr. Varahagiri Venkata.  
 Joshi, Mr. N. M.  
 Kelkar, Mr. N. C.  
 Kidwai, Mr. Rafi Ahmad.  
 Kunzru, Pandit Hirday Nath.

Lahiri Chaudhury, Mr. Dhirendra Kanta.  
 Lajpat Rai, Lala.  
 Malaviya, Pandit Madan Mohan.  
 Mehta, Mr. Jannadas M.  
 Mitra, Mr. Satyendra Chandra.  
 Moonje, Dr. B. S.  
 Mukhtar Singh, Mr.  
 Naidu, Mr. B. P.  
 Neogy, Mr. K. C.  
 Pandya, Mr. Vidya Sagar.  
 Phookun, Srijut Tarun Ram.  
 Rang Behari Lal, Lala.  
 Roy, Mr. Bhabendra Chandra.  
 Sarda, Rai Sahib Harbilas.  
 Shafee, Maulvi Mohammad.  
 Shervani, Mr. T. A. K.  
 Siddiqi, Mr. Abdul Qadir.  
 Singh, Mr. Gaya Prasad.  
 Singh, Mr. Narayan Prasad.  
 Singh, Mr. Ram Narayan.  
 Singh, Kumar Ganganand.  
 Sinha, Mr. R. P.  
 Sinha, Mr. Siddheswar.  
 Tok Kyi, U.  
 Vishindas, Mr. Harchandrai.  
 Yakub, Maulvi Muhammad.

## NOES—39.

Abdul Qaiyum, Nawab Sir Sahibzada.	Haigh, Mr. P. B.
Ahmad, Khan Bahadur Nasir-ud-din.	Irving, Mr. Miles.
Alexander, Mr. William.	Jowahir Singh, Sardar Bahadur Sardar.
Anwar-ul-Azim, Mr.	Kabul Singh Bahadur, Captain.
Ashrafuddin Ahmad, Khan Bahadur	Keane, Mr. M.
Nawabzada Sayid.	Kirk, Mr. R. T. F.
Ayangar, Mr. V. K. Aravamudha.	Lamb, Mr. W. S.
Ayyangar, Rao Bahadur Narasimha	Mitra, The Honourable Sir Bhupendra
Gopalaswami.	Nath.
Bajpai, Mr. G. S.	Moore, Mr. Arthur.
Blackett, The Honourable Sir Basil.	Mukherjee, Mr. S. C.
Bray, Sir Denys.	Parsons, Mr. A. A. L.
Coatman, Mr. J.	Rainy, The Honourable Sir George.
Coeke, Mr. H. G.	Rajah, Rao Bahadur M. C.
Cosgrave, Mr. W. A.	Sams, Mr. H. A.
Courtenay, Mr. R. H.	Sassoon, Sir Victor.
Crerar, The Honourable Mr. J.	Tonkinson, Mr. H.
Crofton, Mr. R. M.	Wright, Mr. W. T. M.
Dalal, Mr. A. R.	Yamin Khan, Mr. Muhammad.
Dalal, Sardar Sir Bomanji.	Young, Mr. G. M.
Donovan, Mr. J. T.	
Dummett, Mr. J. M.	

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th August, 1927.





## LEGISLATIVE ASSEMBLY.

*Wednesday, 24th August, 1927.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

### QUESTIONS AND ANSWERS.

#### PROSECUTIONS IN ORISSA FOR THE ILLICIT MANUFACTURE OF SALT FOR DOMESTIC USE.

168 \***Mr. Gaya Prasad Singh** : (a) Is it a fact that sixteen persons of Marichpur, a flood-distressed part of Puri (Orissa) have been fined for illicit manufacture of salt for domestic use ; and for inability to pay the fines, some of the accused are now in jail ?

(b) Are Government aware that in reply to a question in the Bihar and Orissa Legislative Council, on the 21st February last, the Local Government stated that :

“ to meet the situation caused by the general rise in prices during the War, the Government of India agreed in 1918 to instructions being given to the excise authorities in the Districts of Cuttack, Balasore, and Puri to ignore cases of the manufacture of salt on a small scale for domestic use. Owing to distress in those districts, the orders remained in force till 1923. They were revived in 1926 with reference to the Puri District only, and the Local Government are consulting the Government of India on the subject of their remaining in force until the next rains, with effect in the three districts of Cuttack, Balasore and Puri ” ?

(c) In the face of this declaration, will Government kindly explain why proceedings were instituted in this case, and how much manufactured salt was found in the possession of the accused ?

**The Honourable Sir Basil Blackett** : (a) No. 14 persons of village Narahana were find : one of them in default of fine was imprisoned for 15 days.

(b) Yes.

(c) The temporary instructions issued in March 1927 by the Local Government to its officers suggesting leniency in the punishment of the offences of illicitly manufacturing salt in the districts of Balasore, Cuttack and Puri apply only to cases in which the offender is a person suffering from distress owing to the floods and the manufacture is on a small scale only for purely domestic consumption. These criteria are not satisfied in the present case and there was no necessity for lenient treatment. The offenders belong to the village of Narahana. This village was not affected by floods and the accused were not in a distressed condition and when convicted paid their fines promptly with one exception.

20 offenders were detected : 4 were discharged on account of age, 1 was acquitted and 1 absconded. 14 were convicted and received sentences varying from detention till the rising of the court up to a fine of

Rs. 15. The quantity of salt seized was 1 maund 35 seers, but this is believed to be only a portion of the quantity manufactured.

**Mr. Gaya Prasad Singh :** In view of the acute distress prevailing in parts of Orissa on account of the floods, do Government consider it desirable to extend this period of grace ?

**The Honourable Sir Basil Blackett :** I have nothing to add to the long answer I have given.

**Mr. Gaya Prasad Singh :** I am speaking for the future, Sir.

#### PROVINCIAL SHARE OF THE INCOME-TAX ON COMPANIES OPERATING IN BIHAR AND ORISSA BUT REGISTERED ELSEWHERE.

169. \***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the following remark made by the Honourable Maharaja Bahadur Keshav Prasad Singh, Finance Member, in the Bihar and Orissa Legislative Council on the 25th February last :

“ the provincial share of the income-tax on companies operating in Bihar and Orissa, but registered elsewhere goes not to us but to the Province of registration. Bengal, of their courtesy allow us 85 per cent. of the Provincial share. None of the other Provinces allow us anything. This is a point which we have often pressed and will continue to press upon the Government of India ” ?

(b) Are Government aware that this arrangement operates inequitably for the Province of Bihar and Orissa, and will they kindly state what decision, if any, has been arrived at in this matter ?

**The Honourable Sir Basil Blackett :** (a) The Government of India have now read the statement in the Legislative Council which the Honourable Member has quoted. Since the arrangement between the Governments of Bengal and Bihar and Orissa was arrived at the Government of India have received no further representations on the subject from the Government of Bihar and Orissa.

(b) It is a matter of opinion what basis for the allocation of income-tax with reference to such factors as residence or origin is equitable. The present arrangement is that when a dispute arises between two Provinces in regard to a case of this sort they may refer it to the Government of India for arbitration. The Government are considering the whole question of the assignment of a share of the revenue from Taxes on Income to the Provinces.

#### AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

170. \***Mr. Gaya Prasad Singh :** Will Government kindly state what progress, if any, has been made in the scheme for the amalgamation of Oriya-speaking tracts with the Orissa Division ?

**The Honourable Mr. J. Crerar :** The matter is still under the consideration of Government.

#### RECOMMENDATIONS OF THE INDIAN SANDHURST COMMITTEE.

171. \***Mr. Gaya Prasad Singh :** Do Government propose to give effect to the recommendations of the Indian Sandhurst Committee ? And if so, when ?

**Mr. G. M. Young :** The attention of the Honourable Member is invited to the reply which I gave to Diwan Chaman Lal's question No. 109.

**PERSONNEL OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.**

172. **\*Mr. Gaya Prasad Singh :** Will Government kindly explain why the personnel of the Indian delegation to the League of Nations has been selected without reference to the Central Legislature ?

**Mr. W. T. M. Wright :** I have nothing to add to the reply given to question No. 1778 put by Khan Bahadur Sarfaraz Hussain Khan on the 11th September 1924, to which the Honourable Member was referred in the reply to part (b) of his question No. 244 on the 31st August 1925.

**Mr. R. K. Shanmukham Chetty :** In choosing the leader of the Indian delegation this year for the League of Nations, did the Government of India give consideration to the opinion given expression to in this House and in the other place that the leader should be an Indian ?

**Mr. W. T. M. Wright :** Yes, Sir.

**Mr. R. K. Shanmukham Chetty :** May I know whether Government in their attempt to find a suitable Indian came to the conclusion that they could not find a suitable Indian ?

**Mr. A. Rangaswami Iyengar :** What is the result of that consideration ?

**The Honourable Sir Basil Blackett :** The result of the consideration is the delegation that has been chosen.

**Mr. A. Rangaswami Iyengar :** In other words an Indian was not chosen ?

**Mr. R. K. Shanmukham Chetty :** Was not a suitable Indian available ?

**Pandit Hirday Nath Kunzru :** May I ask Government whether it is correct, as stated by Mr. Sastri, that Sir Muhammad Shafi on behalf of the Government gave Sir P. C. Sethna to understand in 1924 that an Indian was likely to be appointed leader of the delegation that year ?

**The Honourable Sir Basil Blackett :** I am sure that cannot arise out of this question.

**Pandit Hirday Nath Kunzru :** It arises in this way that Government then promised to give consideration to the views of the Assembly and the other House ?

**The Honourable Sir Basil Blackett :** I do not think it does.

**Mr. Gaya Prasad Singh :** May I ask whether it is for the Leader of the House to say whether a question arises out of the main question or not ?

**Mr. President :** The Leader of the House submits it to the Chair.

**APPEALS AND APPLICATIONS FOR REVISION FILED BY INCOME-TAX ASSESSEES IN THE VARIOUS PROVINCES.**

173. **\*Sir Hari Singh Gour :** (1) Will the Government be pleased to lay on the table a comparative statement showing the number of appeals

and applications for revision filed by assesseees to the Income-tax Officers in the various Provinces and the percentages of appeals and applications admitted and rejected ?

(2) Will the Government be pleased to state the variation in the assessment made in the Central Provinces during the last 3 years ?

**The Honourable Sir Basil Blackett :** (1) and (2). The Honourable Member will find the figures that he requires in the All-India Reports and Returns for the years in question.

#### REJECTION BY INCOME-TAX OFFICERS OF THE STATEMENTS MADE BY THE ASSESSEES AS TO THEIR INCOMES.

174. \***Sir Hari Singh Gour :** Will the Government be pleased to state in how many cases the Income-tax Officer has rejected the statements made by the assessee as to his income and the amount of the income returned and assessed thereafter ?

**The Honourable Sir Basil Blackett :** The Honourable Member is referred to Return No. VIII in the All-India Income-tax Report for 1925-26 which contains all the information that the Government have on the subject. The concluding part of his Question is not understood

#### PERCENTAGE OF COST TO THE INCOME-TAX COLLECTED IN THE CENTRAL PROVINCES.

175. \***Sir Hari Singh Gour :** (1) Will the Government be pleased to state the percentage of collecting charges in the Central Provinces upon the income-tax realised ?

**The Honourable Sir Basil Blackett :** The percentage of cost to tax collected in the year 1925-26 in the Central Provinces and Berar was 9.75 per cent.

#### EMPLOYMENT OF INFORMERS AND SECRET AGENTS BY THE INCOME-TAX DEPARTMENT.

176. \***Sir Hari Singh Gour :** (1) Will the Government be pleased to state whether the Income-tax Department employ any informers and secret agents and whether they have issued any specific instructions to such informers and secret agents to report the income of the people liable to assessment ?

(2) If so, will Government be pleased to state in what percentage of cases the Income-tax Officers in the Central Provinces have assessed persons to income-tax upon this information ?

**The Honourable Sir Basil Blackett :** The Government do not employ such informers or secret agents as are suggested in part (1) of the question. Part (2) does not arise.

#### ALLEGED EXACTIONS OF INCOME-TAX OFFICERS IN THE CENTRAL PROVINCES.

177. \***Sir Hari Singh Gour :** Are the Government aware that there is a widespread discontent in the Central Provinces on account of the exactions of the Income-tax Officers ?

**The Honourable Sir Basil Blackett :** The Honourable Member has acquainted me with at least one individual case of discontent. Nonetheless I think I am right in replying that the answer is in the negative.

**Mr. Gaya Prasad Singh :** Are Government aware that there is discontent in the Province of Bihar and Orissa also with regard to the exactions of Income-tax Officers ?

REPORT OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

178. **\*Mr. K. C. Roy :** Will the Government be pleased to state whether any decision has been reached by the Secretary of State for India on the Shea Report regarding the Auxiliary and Territorial Forces in India, and if the answer is in the affirmative to place a copy of the order on the table of the House ?

**Mr. G. M. Young :** The Honourable Member is referred to the Resolution published in the Gazette of India on Saturday, the 20th August.

NUMBER OF INDIAN RESIDENTS IN CHINA.

179. **\*Mr. N. C. Kelkar :** Will Government state approximately :

- (1) the total number of Indian residents at present in the whole of China ?
- (2) the total number of Indian residents in Shanghai, Canton and Hong-Kong ?
- (3) the total amount of Indian trade with China, both export and import during the year 1926-27 ?

**Sir Denys Bray :** (1) If reliance can be placed on a rough estimate made a couple of years ago, the total is in the neighbourhood of 5,000.

(2) 1,400 in Shanghai, 90 in Canton, 1,152 in Hongkong.

(3) Trade with China excluding Hongkong, over 14½ crores ; trade with Hongkong just under 4 crores.

PAY OF INCOME-TAX OFFICERS, EXAMINERS, ETC., IN THE DIFFERENT PROVINCES.

180. **\*Mr. N. C. Kelkar :** (a) Are there different scales of pay for the I. T. O.'s, Examiners, Assistant Examiners, Inspectors and Sub-Inspectors of Income-tax in the different Presidencies ?

(b) What is the scale of pay in each Province ?

(c) If there is any difference in pay, what is such difference due to ?

**The Honourable Sir Basil Blackett :** (a) The scales are not identical in all Provinces.

(b) A statement giving the information desired is laid on the table.

(c) The scales have been fixed at different times with reference to local conditions and to the scales fixed by the different Local Governments for their own establishments.

Statement showing the scales of pay of Income-tax Officers, Examiners, Accountants, Inspectors, etc., in the various provinces.

Province.	Income-tax Officers and Assistant Income-tax Officers.	Examiners or Accountants.	Inspectors, Surveyors or Assessors.
Madras	Rs. 300—40—500—50—900	Rs. Accountants 100—10—250 110—10—260	Rs. Surveyors .. 150—5—200—10—300
Bombay	.. Senior .. 1,000—100—1,500 300—50/2—900	Chief Examiners 550—25—700 Examiners .. 225—25/2—500 175—25/2—325 150—15—225 Asstt. Exrs. .. 115—5—150	Inspectors .. 200—25/2—500 150—25/2—325 150—15—225 Sub-Inspectors 115—5—150
Bengal	.. 500—50/2—900	Examiners .. 175—25/2—450 Selection 500	Assessors .. 125—5—150—10—300
United Provinces	.. 350—30—800—25—900 250—25—350 Asstt. I.T. Os.	....	....
Punjab	.. 300—40—850 250—25—350 Asstt. I.T. Os.	....	Inspectors .. 20—7 1/2—240
Burma...	.. 350—25—750—50—950 250—25—350 Asstt. I.T. Os.	Examiners .. 200—15—500	Inspectors 200—10—300—25/4—325
Bihar and Orissa	.. 350—50/2—900 250—25—350 Asstt. I.T. Os.	....	....
Central Provinces	.. 300—25—550—580—30—700—40—900	Examiners .. 175—25/2—275	Inspectors .. 80—100—10/2—150

PAY OF INCOME-TAX OFFICERS, EXAMINERS AND INSPECTORS IN BOMBAY AND THE MOFUSSIL.

181. \***Mr. N. C. Kelkar** : (a) What are the reasons that necessitate a higher pay for I. T. Os., Examiners and Inspectors in Bombay than what the same officers get in the mofussil, apart from the fact that living in Bombay is dear ?

(b) Have the Government considered the question of having one common time scale of pay for all the Examiners and Inspectors, granting compensatory or local allowance to the Bombay officers ?

**The Honourable Sir Basil Blackett** : (a) and (b). The arrangement dates from the time when the Income-tax Department was under the control of the Local Government, and was presumably modelled on the system by which the pay of other establishments under the Local Government was regulated. The Government are not prepared to express an opinion as to the suitability of the alternative suggested by the Honourable Member without enquiry but they will examine it. I may however mention that with one exception, Income-tax Officers draw the same rate of pay in Bombay and in the mofussil, the officers in Bombay drawing a compensatory allowance.

SELECTION OF BRAHMINS AND MAHRATTAS FROM THE BOMBAY PRESIDENCY FOR MILITARY TRAINING.

182. \***Mr. N. C. Kelkar** : Will Government be pleased to state :

(a) what is the total strength of the students in the University Training Corps in the Bombay Presidency ? How many of them are Brahmins and how many Mahrattas ? What was the strength in the Indian Defence Force in the same Presidency ? How many of them are Brahmins and how many Mahrattas ?

(b) How many Brahmins and how many Mahrattas were selected during the last five years from the Bombay Presidency for military training, whether at Sandhurst or elsewhere ?

**Mr. G. M. Young** : (a) On the 1st July 1927, the Bombay Battalion, University Training Corps, had an actual enrolled strength of 618 out of a sanctioned establishment of 27 officers and 637 other ranks. The Bombay University companies, Indian Branch of the late **Indian Defence Force**, had an actual enrolled strength in June 1918 of 485 out of a sanctioned establishment of 8 officers and 492 other ranks.

As regards the composition of the University Corps, the Honourable Member is referred to the reply I gave on the 15th March last to starred question No. 964.

(b) Three Mahratta boys have entered the Dehra Dun College during the last five years. One of them went on to Sandhurst. Two Mahratta and two Brahmin boys from the Bombay Presidency, who had not been to Dehra Dun, entered Sandhurst during the same period.



### DISBANDMENT OF THE SPECIAL COMPANY OF MAHRATTA BRAHMINS RAISED DURING THE GREAT WAR.

183. \***Mr. N. C. Kelkar :** (a) Is it a fact that the special Brahmin Company that was established during the Great War, was raised as a permanent measure ? If yes, why is it disbanded ?

(b) What was the opinion submitted by the Adjutant General in 1918 (March-April) about this special Brahmin Company after inspection of the same ? Will Government place the same on the Assembly table ?

(c) Have Government seen the statement in the Ratnagiri District Gazetteer that Mahratta Brahmins were fine soldiers and that there was a Mahratta Brahmin platoon. When was that platoon established ? When was it disbanded and why ?

**Mr. G. M. Young :** (a) The Special company of Mahratta Brahmins was not raised as a permanent measure, but as a war measure. It was disbanded at the end of the war.

(b) There is no record of an inspection by the Adjutant General in India in March or April, 1918. Reports about this unit were however received from the local military authorities and are on record

(c) I cannot trace the statement quoted by the Honourable Member. The only Mahratta Brahmin unit that I know of was the company to which I have just referred.

### ADMISSION OF MAHARS TO OTHER PLATOONS, CONSEQUENT ON THE DISBANDMENT OF THE MAHAR BATTALION.

184. \***Mr. N. C. Kelkar :** (a) What was the number of the Mahars in the Mahar Battalion established during the Great War ?

(b) Is it a fact that when the Mahar Battalion was closed, the Mahars were promised posts in other platoons ?

(c) If yes, in which platoons were the Mahars admitted ? What was the number when they were disbanded, and what is the number that was re-admitted ?

**Mr. G. M. Young :** (a) The Mahar Battalion was raised in 1917 and disbanded in 1922. The number of Mahars serving in the Battalion on the 1st of January 1918 was 963 and on the 1st of January 1922, 764.

(b) Yes, some posts were made available.

(c) Two platoons of Mahars were allotted as Machine Gun Platoons with British Infantry battalions, but as recruiting proved unsatisfactory, these two platoons had to be filled by other classes. No Mahars have been readmitted

### COMMUNAL REPRESENTATION IN THE PUBLIC SERVICES UNDER THE GOVERNMENTS OF MADRAS, BOMBAY AND THE UNITED PROVINCES.

185. \***Mr. N. C. Kelkar :** Are Government aware that whilst the Bombay and Madras Governments have fixed the percentage according to which different communities are to be admitted in Government service, the United Provinces Government declare such admission in service on a communal basis is against the Queen's proclamation ? Which of the two courses has been approved by the Government of India ?

**The Honourable Mr. J. Grerar :** I have ascertained that the Government of the United Provinces have made no such declaration as is suggested. The Government of India have already announced their policy in the matter, which is directed to preventing any undue preponderance of particular communities in the services and establishments under their control.

**RATE OF EXCHANGE, AND SALE AND PURCHASE OF GOLD, ETC.**

186. **\*Mr. N. C. Kelkar :** Will Government lay on the table a statement showing the following for the period of time since the passing of the Currency Act IV of 1927 :

- (1) the average rate of exchange in the market,
- (2) the amount of gold bullion sold by Government for exchange in England and other gold standard countries, and for other purposes, under section 5 of Act IV of 1927,
- (3) the amount of gold purchased by Government under section 5 of Act IV of 1927,
- (4) the amount of currency contracted by cancellation of notes or otherwise,
- (5) the amount of gold purchased in England by the Secretary of State for India on behalf of the Government of India,
- (6) the amount of gold released directly by Government of India on their own account to the Secretary of State for India, or the Bank of England or any other Bank for the State Secretary,
- (7) the amount of Council Bills drawn by Secretary of State for India on India ?

**The Honourable Sir Basil Blackett :** (1) The average rate of exchange for telegraphic transfers from Calcutta on London during the period from 1st April 1927 to 31st July 1927 was 1 shilling 57½ pence per rupee.

(2), (3) and (6). Nil.

(4) The note circulation on the 31st July 1927 was 6,50 lakhs lower than on the 31st March 1927.

(5) 99,394 fine ounces equivalent of £423,000 were purchased for the Gold Standard Reserve.

(7) Nil. But sterling was purchased in India to the extent of £5,268,000 from 1st April 1927 to the 31st July 1927.

**TAX ON EUROPEANS AND ASIATICS IN KENYA FOR EDUCATIONAL PURPOSES.**

187. **\*Mr. N. C. Kelkar :** (a) With reference to my question No. 10 answered on 27th January 1927 during the Delhi Session, has the attention of Government been drawn to the statement of Mr. D. B. Desai of Broach, published in the *Times of India*, page 10, column 6, dated the 6th April 1927, on the subject of the tax on Europeans and the tax on Indians or Asiatics levied in Kenya ?

(b) Have Government made any representations to the Kenya Government on the subject? If so, will Government place on the table a copy of the same? If they have made no representation, do they propose to make one to point out the inequitable method of taxation, as between Europeans and Indian residents of Kenya?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The only fresh development brought to light in the communication referred to by the Honourable Member is the acceptance by the Kenya Government of a motion to appoint a committee of the Legislative Council to consider some more equitable method of taxation in connection with the European Education Cess. As the Honourable Member is probably aware, when these Ordinances were being considered in the Kenya Legislative Council, it was explained, on behalf of the Colonial Government, with reference to the Asiatic poll-tax, that, while this would be in force in 1927, it might be modified later by alternative proposals if reasonable ones could be submitted. It is, therefore, open to the Indian Members of the Legislative Council to take steps to submit alternatives in the same manner as their European colleagues have done. The Government of India have made inquiries as to whether any move in this direction by the Indian Members of Council has either already been made or is contemplated. They regret that this correspondence, which is still proceeding, cannot now be made public.

#### SEGREGATION OF INDIAN RESIDENTS OF MOMBASA.

188. \***Mr. N. C. Kelkar :** (a) Has the attention of Government been drawn to the grievance of segregation of Indian residents of Mombasa, as reported in the *Times of India*, dated the 8th April, page 10, column 7?

(b) Will Government state the full facts about the position as they understand them?

(c) Have Government received any representation from the East African Indian National Congress on this subject? If so will Government disclose to this House the reply given to the representation?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The Honourable Member is referred to the reply given by me to part (c) of Mr. Gaya Prasad Singh's question No. 55 on the 22nd August.

(c) A representation which deals with this matter among others was received from the East African Indian National Congress on the 8th August and is under consideration.

#### RETURN TO INDIA OF DR. AND MRS. TARAKNATH DAS.

189. \***Mr. N. C. Kelkar :** Have the Government of India any charges against Dr. Taraknath Das which may prevent his returning to India? Are the Government of India prepared to *visa* his papers to enable him and his wife to visit his relatives in India?

**The Honourable Mr. J. Crerar :** Government will take these questions into consideration in the event of Dr. Taraknath Das applying for facilities to return to India. They have so far received no application of this character.

REDUCTION OF STORES BALANCES (RAILWAYS).

190. \***Mr. N. C. Kelkar** : With reference to paragraph 44 of the Explanatory Memorandum of the Railway Budget for 1927-28, will Government give details of the reduction of stores balances amounting to Rs. 32 lakhs obtained by miscellaneous adjustments ?

**Mr. A. A. L. Parsons** : The miscellaneous adjustments referred to represent the difference between the balances at the beginning and end of the year of certain heads of accounts which, under our existing system of accounting, are maintained as sub-heads of the General Stores Suspense Account. The details are as follows :

(a) Purchases account	..	..	..	7 lakhs.
(b) Sales account	..	..	..	9 lakhs.
(c) Workshop Suspense account	..	..	..	12 lakhs.
(d) Manufacture Suspense account	..	..	..	4 lakhs.

The question whether the existing procedure should be revised will be examined when the recommendations in Sir Arthur Dickinson's Report are considered.

OMISSION OF THE SOR COLLIERY FROM THE STATEMENT OF RAILWAY COLLIERIES ACQUIRED FROM TIME TO TIME.

191. \***Mr. N. C. Kelkar** : With reference to the statement at page 151 of the Legislative Assembly Debates, Volume IX, showing the railway collieries acquired from time to time with their capital cost up to 31st March 1925, will Government state why the Sor colliery is omitted from the statement ? Have any other collieries been similarly omitted ? What is the original cost of the Sor colliery ?

**Mr. A. A. L. Parsons** : The Sor colliery was omitted as it was never used for the regular supply of coal for Railways.

No other collieries have been similarly omitted.

The original cost of the Sor colliery was about Rs. 20½ lakhs. For full information regarding this colliery I would refer the Honourable Member to the reply given by Mr. Sim to Mr. K. G. Lohokare's question No. 792 on the 15th February 1926.

HAULAGE CHARGES FOR POSTAL VANS.

192. \***Mr. N. C. Kelkar** : With reference to page 29 of the Railway Administration Report for 1913-14, will Government kindly lay on the table a statement showing the haulage charges for postal vans then in force and the increased haulage charges now in force ?

**Mr. A. A. L. Parsons** : Prior to 1st April 1913 the haulage charges were 18 pies per mile per four-wheeled vehicle on railways of all gauges. On the 1st April 1913 they were raised to 24 pies per mile on broad gauge railways, and they are now 36 pies per mile on broad gauge railways, and 24 pies per mile on metre and other gauge railways.

### INTRODUCTION OF ALL-STEEL COACHES ON THE SOUTH INDIAN RAILWAY.

193. **Mr. N. C. Kelkar** : Is it a fact that the South Indian Railway Company are averse to the introduction of all-steel coaches on the South Indian Railway ? If so, will Government lay on the table a copy of their objections ?

**Mr. A. A. L. Parsons** : In 1914 the South Indian Railway obtained one steel coach for experimental purposes at a cost of about Rs. 3,000 in excess of that of a third class coach of normal construction. In 1923, without expressing any definite aversion to all steel coaches in general, and in reply to a request for information on the subject, the Agent informed the Railway Board that the main disadvantages of the steel coach were, first, that the unloaded weight exceeded that of a wooden-body vehicle on a standard underframe by 3 tons, and secondly that especially in areas such as those traversed by the South Indian Railway, where the humidity is high, the steel is subject to corrosion.

### COST OF THE ESTABLISHMENT OF THE MINING ENGINEER (RAILWAYS).

194. **Mr. N. C. Kelkar** : With reference to page 6 of the proceedings of the Standing Finance Committee for Railways, Volume II, No. 6, will Government state whether the question of the distribution or the cost of the establishment of the Mining Engineer has been discussed with Sir Arthur Dickinson; and if so, what is the decision arrived at ?

**Mr. A. A. L. Parsons** : The matter was mentioned to Sir Arthur Dickinson at an informal discussion and in the official terms of reference he has been asked to report and make recommendations on the system of accounting for the expenditure and outturn of railway collieries with detailed proposals for the pricing of their output. Government do not propose to take any action in the matter until Sir Arthur Dickinson's report is received.

### REPORTS OF THE COMMITTEE APPOINTED TO INQUIRE INTO THE WORKING OF THE STAFF SELECTION BOARD.

195. **Mr. N. C. Kelkar** : Will Government kindly place in the Library of the Assembly a copy of the Report of the Staff Selection Board Committee ?

**The Honourable Mr. J. C. C. C. C.** : Copies of the preliminary and final reports of the Staff Selection Board Committee of 1922-23, to which I assume that the Honourable Member refers, have been placed in the Library.

### COST OF ALTERING THE EXISTING FIXED STRUCTURES ON THE 5'—6" GAUGE RAILWAYS.

196. **Mr. N. C. Kelkar** : With reference to paragraph 68 of the Railway Administration Report for 1922-23, will Government kindly state whether the Railway Board have yet completed the investigation into the cost of altering the existing fixed structures on the 5'—6" gauge railways, so as to permit of the use of engines and rolling stock with increased width and height ; and if so what is the total cost of the alterations and what is the plan adopted for carrying them out ?

**Mr. A. A. L. Parsons :** The investigation is by no means completed. It is first of all necessary to decide the design, and particularly the width and height of rolling stock which it would be economical to adopt for future use, and the Railway Board are at present engaged on this problem. Until it has been settled it is impossible to say what alterations will be necessary to permanent structures, more especially platforms, on the various Railways, or to give any estimate of the cost of such alterations which would have the slightest pretension to accuracy. The cost of necessary alterations will of course be a most material factor in deciding whether to introduce new designs of rolling stock. If the Honourable Member desires more detailed information on the subject, which it is impossible to give within the limits of a reply to a question, I shall be very glad to supply it to him if he will see me in my office.

#### ABOLITION OF THE PROVINCIAL SERVICES ON RAILWAYS.

197. **\*Mr. N. C. Kelkar :** With reference to the answer given on 8th March 1926, to starred question No. 1097, will Government kindly state what decision has been arrived at on the question of the abolition of the provincial services on Railways ?

**Mr. A. A. L. Parsons :** The matter is still under consideration. As it involves some intricate questions of reorganisation of the railway services, it is likely to take a considerable time to settle.

#### SLEEPING ACCOMMODATION FOR INTERMEDIATE AND THIRD CLASS PASSENGERS ON RAILWAYS.

198. **\*Mr. N. C. Kelkar :** With reference to the statement occurring in the answer given on 27th January 1927 to starred question No. 6, that "seating accommodation is provided for intermediate and third class passengers, while sleeping accommodation is provided for first and second class", will Government state the ground for this differentiation ?

**Mr. A. A. L. Parsons :** The intermediate and third class fares charged would not cover the cost of lying down accommodation.

#### RESERVATION OF FIRST AND SECOND CLASS COMPARTMENTS FROM HOWRAH TO STATIONS ON THE EAST INDIAN RAILWAY.

199. **\*Mr. N. C. Kelkar :** With reference to the answer given on 27th January to starred question No. 5, relating to the experiment of reservation from Howrah to stations on the East Indian Railway of first and second class compartments on payment of one fare less than the marked sleeping capacity, have Government obtained from the Agent, East Indian Railway, any report showing whether this experiment has succeeded in increasing the railway earnings; and if so, will they lay a copy of it on the table ?

**Mr. A. A. L. Parsons :** A report from the East Indian Railway received in August last year showed that the average number of reservations per mensem had been as follows :

First class	..	..	..	..	3
Second class	..	..	..	..	12

No further report has been received and, as the matter is within the competence of the Agent, no further report is being called for.

### EDUCATIONAL FACILITIES FOR THE CHILDREN OF RAILWAY EMPLOYEES.

200. \***Mr. N. C. Kelkar** : With reference to the answer given on 25th March 1927 to starred question No. 1273, relating to the deputation of Mr. C. E. W. Jones, C.I.E., of the Indian Educational Service, will Government kindly state what efforts, if any, were made to obtain a loan of the services of an Indian for the investigation of the question of educational facilities for the children of railway employees ?

**Mr. A. A. L. Parsons** : The Railway Board asked the Educational Commissioner to suggest the name of a suitable officer, and on his advice asked the Government of the Central Provinces for Mr. Jones' services. No racial considerations arose.

### SURPLUS LOCOMOTIVES ON THE NORTH WESTERN RAILWAY AND OTHER RAILWAYS.

201. \***Mr. N. C. Kelkar** : With reference to pages 2912-3 of the Legislative Assembly Debates, Vol. IX, will Government :

(a) indicate the extent to which the North Western Railway is still overstocked in respect of locomotives ; and

(b) state what other railways have been found to have excess of locomotives owing to improved methods of working ?

**Mr. A. A. L. Parsons** : (a) The stock of locomotives on the North-Western Railway at the end of June 1927 was, according to the latest information in the possession of Government, 1,345 ; while the latest examination by the Railway Board made about a month ago, I think, Sir, shows that 1,328 locomotives should probably be sufficient for the traffic which, on present indications, may be expected in 1928-29. These figures show that the Railway is no longer overstocked, if it is overstocked at all.

(b) Judged by the latest figures—those for May 1927—no Railways are, according to the criteria imposed by the Railway Board, overstocked with locomotives for the haulage of the present volume of traffic ; but to prevent any future misunderstanding I should like to explain the position on the Great Indian Peninsula Railway. On this Railway the improvement in methods of working has been very marked, and an extension of electrification is proceeding. As a result it is hoped that it will be possible to scrap this year, and next, between 90 and 100 locomotives of obsolete types not suitable for conversion to superheat, which would otherwise have to be replaced. I should further explain that it is never possible to place a precise figure on the number of locomotives required by a railway on any specific date ; the requirements depend on a number of constantly varying factors, of which the two most important are the possibility of improved methods of working, leading to a smaller number of locomotives being required for a similar volume of traffic, and the possibility of a development of traffic leading to a growth of locomotive requirements. Consequently it should not be assumed that because there is no evidence that the stock of locomotives is at present in excess of the requirements, excesses will not on occasion arise from the operation of the causes I have mentioned, enabling railways to scrap without replacement locomotives which would otherwise have to be replaced. For the same reasons during

the slack season, when experience shows that the volume of traffic in India may be as much as 30 or 40 per cent. below that of the busy season, there is likely to be an excess of tractive power on most of the Indian Railways.

**STIPULATION IN RAILWAY CONTRACTS GIVEN TO FIRMS AS REGARDS THE EMPLOYMENT OF INDIANS ON THE WORKS IN QUESTION.**

202. \***Mr. N. C. Kelkar** : Will Government state whether in the contracts given to firms for important railway works any stipulation is made as regards the employment of Indians on the works in question ?

**Mr. A. A. L. Parsons** : The answer is in the negative.

**CONSTRUCTION OF CHEAPER AGRICULTURAL LINES OF RAILWAY.**

203. \***Mr. N. C. Kelkar** : With reference to the construction of cheaper agricultural lines of railway, will Government state the normal life fixed for the different classes of wasting assets for the purpose of ascertaining the payments to be made into the Depreciation Fund ?

**Mr. A. A. L. Parsons** : The Honourable Member will find the information that he requires in Appendix D to the Report by the Railway Board on Indian Railways for 1924-25, Volume I, a copy of which is in the Library.

**NAMES OF FIRMS ENTRUSTED WITH IMPORTANT RAILWAY WORKS.**

204. \***Mr. N. C. Kelkar** : With reference to paragraph 11 of the speech of the Railway Member introducing the Railway Budget for 1927-28, will Government lay on the table a statement showing the names of the firms of contractors entrusted with important railway works, the description of the works so entrusted and the works for which tenders were called for ?

**Mr. A. A. L. Parsons** : A statement giving the information asked for is laid on the table.



Statement showing important railway works entrusted to contractors.

Serial No.	Contracting firms.	Name of work.	Railway Administration.	Whether tenders were called for or not.
1	Braithwaite and Company (Engineers), Limited.	Villupuram-Tiruchinopoly Railway 8 Screw pile bridges.	South Indian Railway ..	No.
2	Ditto .. ..	Freelandganj Loco. Shops Erecting Unit and Yard Gantry.	Bombay, Baroda and Central India Railway.	Yes.
3	Ditto .. ..	Reconstruction of Netbudda Bridge ..	Great Indian Peninsula Railway ..	No.
4	Ditto .. ..	Reconstruction of Sher and Anjan Bridges.	Ditto .. ..	Yes.
5	Sections I and II, Messrs. The Tata Construction Company, Section No. III, Messrs. Dattoo Narayan and Brothers.	Bhore Ghat Re-alignment Schemes ..	Ditto .. ..	Yes.
6	Messrs. Mackenzie and Company ..	Lyallpur-Jaranwala Railway Construction.	North Western Railway ..	Yes.
7	Messrs. Mackenzie and Company, Contractors, Bombay.	Road overbridge at Mahalakshmi, exclusive of the steel girders.	Bombay, Baroda and Central India Railway.	Yes.

NUMBER OF PASSENGERS DETECTED TRAVELLING WITHOUT TICKETS ON RAILWAYS DURING 1925-26.

205. \***Mr. N. C. Kelkar** : Will Government lay on the table a statement showing by classes (first, second, intermediate and third) the number of passengers detected travelling without tickets and the amounts collected from them during the year 1925-26 ?

**Mr. A. A. L. Parsons** : Information has been called for from the Railways, and a statement will be furnished to the Honourable Member when it is received.

ALLOCATION OF EXPENDITURE BETWEEN PASSENGER AND GOODS WORKING.

206. \***Mr. N. C. Kelkar** : With reference to the answer given on 27th January 1927 to starred question No. 8, will Government state whether the question of allocation of expenditure between passenger and goods working has since been looked into ; and, if so, what is the decision arrived at ?

**Mr. A. A. L. Parsons** : We have just received the report of the officer deputed to examine American methods, and shall look into the question as quickly as possible as soon as the report is ready in print.

CATERING BY MESSRS. BRANDON AND COMPANY ON THE GREAT INDIAN PENINSULA RAILWAY.

207. \***Mr. N. C. Kelkar** : (a) Is it a fact that Brandon and Company is in charge of about twenty refreshment rooms on different railway stations on the Great Indian Peninsula Railway, catering for both European and Indian customers ?

(b) What is the period during which Brandon and Company has been thus favoured with their choice by the Great Indian Peninsula Railway ?

(c) Is it a fact that Brandon and Company are given a monopoly of dining cars and ice and aerated waters on the whole of the Great Indian Peninsula Railway line, and, if so, for how many years ?

(d) What are the terms and conditions on which this allotment of refreshment rooms and the grant of monopoly of dining cars, etc., is made to this Company ?

RULES REGARDING CATERING ON RAILWAYS.

208. \***Mr. N. C. Kelkar** : (a) Is it a fact that in 1924-25, new rules were enacted, providing that not more than one refreshment stall should be given to any single contractor ?

(b) Will Government state whether these rules cover the case of Brandon & Co., or whether it is governed by any other set of rules ? If so, will Government place a copy of those rules on the table ?

CATERING ARRANGEMENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

209 \***Mr. N. C. Kelkar** : (a) Is it a fact that it is the intention of the railway companies to give Hindu refreshment stalls to Hindus and Muhammadan stalls to Muhammadan contractors ?

(b) Is it a fact that the refreshment rooms at Dhond, Kurudwadi and Ahmednagar, intended to cater for Hindus as well as Muhammadans, are given to a Parsee contractor? Will Government state whether any applications from local Hindu or Muhammadan contractors were received offering to take up these stalls?

(c) Will Government state the number of old contractors who have been allowed to continue their stalls and the number of new contractors who have displaced old ones on the Great Indian Peninsula Railway?

(d) Is it a fact that some of the new contractors have been fined during the last year or two owing to their inefficiency?

**Mr. A. A. L. Parsons :** With your permission, Sir, I should like to reply to questions Nos. 207 to 209 together. I would refer the Honourable Member to the replies given to the questions asked by him on the 3rd February 1925 and by the late Dr. Lohokare on the 19th August 1926. Government have no information on the subject which is one which they leave to Agents to deal with. But if there is any ground for thinking that present arrangements are unsatisfactory, the matter is one which the Local Advisory Committee might well ask the Agent to discuss with them. It was, I understand, discussed with them when new rules were framed rather over two years ago.

#### SUPPLY OF RAW HIDES TO THE CAWNPORE HARNESS FACTORY.

210. \***Mr. T. A. K. Shervani :** 1. Is it a fact that in previous years the raw hides in the Cawnpore Harness Factory used to be supplied by means of lowest tenders on lime weights rates?

2. Will the Government be pleased to state if this system is abolished from the last two years?

3. If so, (a) Why?

(b) In whose favour?

(c) On what terms?

(d) On whose risk?

and (e) For what period?

4. Will the Government be pleased to state if the supply of hides under the new system guarantees good quality and weight and is in accordance with the schedule, and are the hides supplied at the risk of the Harness Factory?

5. Do the Government intend to stick to the new system after the expiry of the term or to revert to the old system?

6. If the answer to question No. 5 is in the affirmative, will the Government be pleased to lay all the papers and reports concerning the matter on the table to enable the House to appreciate the advantages of the new system in comparison with the old one?

7. Is it a fact that the Government have entered into an agreement with the British India Corporation, Ltd., to buy through one Mr. Corbett on a commission basis, at the open market rate with all the risk of lime rejections and market fluctuations?

8. Is it not a fact that under the new system full scheduled quantity has never been delivered?

**Mr. G. M. Young :** Parts 1—7. I have nothing to add to the answer which I gave on the 26th March to the Honourable Member's starred question No. 1226, except that the Audit Report on the accounts for the year 1926-27 shows the results of the joint purchase system to be satisfactory. The actual cost of hides to Government is less than that paid under the old tender system.

Part 8. The answer is in the negative.

# INSTALLATION BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY OF A PUMPING STATION AT THE RIVER PALAR.

211. **\*Mr. C. Duraiswamy Aiyangar :** 1. Is it a fact that the Madras and Southern Mahratta Railway Company has been trying to instal a pumping station at the river Palar for supplying water to Jolarpet station ?

2. Are Government aware that the agriculturists have been protesting against the installation in various ways ?

3. Are Government aware of the memorials submitted by the agriculturists as also of the deputation to the Local Government led by the Members of the Madras Legislative Council representing the district of North Arcot ?

4. Will the Government be pleased to state what redress has been accorded to the agriculturists who have been expressing their grievances ?

5. Is it a fact that now proceedings under the Land Acquisition Act have been commenced to acquire a piece of zemindari land for the pumping station without heeding the complaints of the zemindari ryots ?

**Mr. A. A. L. Parsons :** (1) Yes.

(2) & (3). Yes.

(4) A number of sites were investigated in consultation with the Public Works and revenue authorities. The site finally chosen has been carefully selected and it is considered that it will not affect agricultural interests.

(5) Land acquisition proceedings have commenced after carefully considering the objections which were known to have been made.

212.†

# APPOINTMENT OF A EUROPEAN AS JUNIOR INSPECTOR OF MINES.

213. **\*Mr. K. C. Neogy :** (a) Will Government be pleased to state if a post of Junior Inspector of Mines was advertised in this country last year ?

(b) If so, how were the applications dealt with and the appointment eventually made ?

(c) Is it a fact that a British candidate who had no previous experience of Indian mines was recruited in England for the post ?

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† Not put as the Honourable Member (Sardar Gulab Singh) had not taken the oath of office.

(d) If the reply to (c) is in the affirmative, will the Government be pleased to state what opportunities the Public Service Commission or any other authority in India had of examining the candidate personally ?

(e) How many Indian applicants were there for the post ? How many of them were interviewed by the Public Service Commission or any other authority in India ? On what grounds were the candidatures of all the Indian applicants rejected ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes.

(b) The applications received in this country were considered by the Public Service Commission. The vacancy was also advertised in England by the High Commissioner for India and the applications received there were considered by a Selection Committee under the presidency of the High Commissioner. One of the candidates recommended by the Selection Committee in England was appointed.

(c) Yes.

(d) It is not the function of the Public Service Commission to interview candidates for a post which is to be filled by selection in England. The candidates were interviewed by the Committee appointed by the High Commissioner, which included the Chief Inspector of Mines.

(e) 30 persons, of whom about two-thirds were Indians applied in India. Five candidates who were considered by the Public Service Commission as likely to be suitable and who were all Indians, were interviewed by the Commission. The candidates were rejected because the Commission considered that none of them was suitable for appointment.

**Mr. N. M. Joshi :** May I ask if the Public Service Commission has a majority of Europeans as members ?

**The Honourable Sir Bhupendra Nath Mitra :** The Honourable Member knows full well what the constitution of the Public Service Commission is.

**Mr. K. C. Neogy :** Has the Honourable Member satisfied himself that the standard of qualification which was laid down by the Selection Committee in England was the same as that laid down by the Public Service Commission ?

**The Honourable Sir Bhupendra Nath Mitra :** The standard of qualification was the same, Sir.

#### TERMINAL CHARGE ON COKE AND PATENT FUEL ARRIVING IN CALCUTTA.

214. **\*Mr. K. C. Neogy :** (a) Is it a fact a reduction of as. 4-6 per ton was effected in June this year, in the terminal charge levied on all railway consignments of coke and patent fuel arriving in Calcutta stations ?

(b) Is it a fact that an additional terminal of as. 4-6 per ton on coke and patent fuel traffic arriving in Calcutta, over and above the terminals which all coal traffic is generally subject to, have been in force for a number of years ?

(c) If the reply to (b) be in the affirmative, will Government state when this additional terminal was first imposed and with what object in view ?

**Mr. A. A. L. Parsons :** (a) and (b). Yes.

(c) I would refer the Honourable Member to the reply given to question No. 172 asked by Kumar Ganganand Sinha in this Assembly on the 1st February 1927.

The Howrah Bridge toll was imposed under the Howrah Bridge Act of 1871 which came into force on the 5th July 1871.

# BALANCE SHEETS OF RAILWAY-OWNED COLLIERIES, ETC.

215. **\*Mr. K. C. Neogy :** (a) When are the balance sheets of railway-owned collieries expected to be prepared on commercial principles ?

(b) Will Government be pleased to lay on the table a chemical analysis of the average sample of coal mines in various railway collieries developed since 1919 ?

(c) Will Government be pleased to furnish a statement showing the rates at which surface rent and royalty are paid on account of the railway collieries opened since 1919, and the names of the parties to whom such rent and royalty are payable, stating in the latter case the exact nature of interest of the parties in their respective land or minerals ?

**Mr. A. A. L. Parsons :** (a) The form of accounts to be adopted for railway-owned collieries was discussed with Sir Arthur Dickinson and will be settled on receipt of his report. I hope it will be possible to introduce any changes needed by the beginning of next financial year.

(b) and (c). I am sending the Honourable Member the information he requires.

# SCHEME OF THE INDIAN MINING FEDERATION OF CALCUTTA FOR POPULARISING THE USE OF COAL AS A DOMESTIC FUEL.

216. **\*Mr. K. C. Neogy :** Did Government receive from the Indian Mining Federation of Calcutta a representation outlining a scheme for popularising the use of coal as a domestic fuel ? If so, will Government state what action they propose to take on the proposal ?

**The Honourable Sir George Rainy :** Yes. The proposal is under consideration.

# REDUCTION OF RAILWAY FREIGHT ON (1) COKE AND PATENT COAL AND (2) COAL.

217. **\*Mr. K. C. Neogy :** Have Government under their consideration further reduction of railway freight on (1) coke and patent coal and (2) coal ? Have Government received a representation from the Bombay Millowners' Association on the subject ? If so, will the Government be pleased to indicate generally the lines and extent of the reduction now being considered ?

**Mr. A. A. L. Parsons :** Government are not at present considering any further reduction of railway freight on coal. The question of a

reduction of railway freight on coke is under consideration. A representation was received from the Bombay Millowners' Association on the subject of reduction of railway freights on coal to Bombay and they were informed that no further reductions could at present be made.

#### COAL PURCHASE POLICY OF THE GOVERNMENT OF INDIA.

218. \***Mr. K. C. Neogy** : Did Government receive a representation from the Indian Mining Federation of Calcutta suggesting the appointment of a Committee including the representatives of the Legislature and the coal trade to formulate, among other things, recommendations bearing on the coal purchase policy of the Government? If so, what action do Government propose to take on the representation?

**The Honourable Sir George Rainy** : Yes.

The Government do not propose to appoint a Committee of the composition suggested by the Indian Mining Federation to formulate their coal purchase policy to be adopted by Government, but the policy is under the consideration of the Government.

#### DEPTHS OF COAL MINES IN THE JHARIA AND RANEEGUNJ COALFIELDS.

219. \***Mr. K. C. Neogy** : Will Government be pleased to lay on the table a statement showing the number of coal mines in the Jharia and Raneegunj fields mining coal at a depth (a) not exceeding 100 feet from the surface, (b) between 100 to 250 feet from the surface, (c) between 250 to 500 feet from the surface, (d) between 500 to 750 feet from the surface, (e) over 750 feet?

**The Honourable Sir Bhupendra Nath Mitra** : I lay on the table a statement giving the required particulars in respect of coal mines in operation in July 1927.

*Statement showing maximum depths of coal mines in operation in July 1927 in the Jharia and Raneegunj coalfields.*

Depths.	Number in	
	Jharia.	Raneegunj.
Not exceeding 100 feet	54	58
Between 100 and 250 feet	100	106
Between 250 and 500 feet	63	45
Between 500 and 750 feet	20	12
Over 750 feet	1	14

#### NUMBER OF COAL MINES CLOSED DURING CERTAIN SPECIFIED PERIODS.

220. \***Mr. K. C. Neogy** : Will Government be pleased to state how many coal mines were closed in each year from 1924 to 1926 and from January 1927 to June 1927?

**The Honourable Sir Bhupendra Nath Mitra :** I lay on the table a statement showing the number of coal mines closed, the numbers opened or re-opened and the net reduction in each period.

*Statement showing the number of coal mines in British India closed and the number opened or re-opened since 1st January 1924.*

Year.	Number of Coal Mines.		
	Closed.	Opened or re-opened.	Net reduction.
1924 .. .. .	102	81	—21
1925 .. .. .	118	65	—53
1926 .. .. .	122	48	—74
1927 .. .. . (January to June).	71	26	—45 (for half year).
Total ..	413	220	—193

#### MANAGEMENT OF THE WESTERN HOSTEL, NEW DELHI.

221. **\*Mr. Harchandrai Vishindas :** (a) Will the Government be pleased to state what action, if any, they propose to take for the future management of the Western Hostel, Raisina ?

(b) Will the Government be pleased to state whether they have any intention of selling or transferring this property for purposes other than its use by the Members of the Central Legislature ?

(c) Will the Government be pleased to state whether they have considered the advisability of handing over management of the hostel to the House Committee of the Legislature whose appointment was foreshadowed by the Honourable the President of the Legislative Assembly ?

(d) Will Government consider the advisability of appointing a Committee to go into the whole question of residence and accommodation for Members including the use of the Western Hostel ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) For the forthcoming season it is proposed to continue the same arrangements as were adopted for the 1927 season.

(b) Government have no intention at present of selling or transferring the property, but they are investigating the possibilities of so doing, as the establishment of a hotel in New Delhi is one of considerable importance.

(c) The answer is in the negative.

(d) Government would welcome the appointment of a Committee for the purpose, if this is the wish of the Members of the Legislature. As a matter of fact, I have already tabled a Resolution in regard to a Committee.



### APPOINTMENT OF RETIRED GOVERNMENT SERVANTS ON THE ASSAM BENGAL RAILWAY.

222. \***Mr. Anwar-ul-Azim** : Will the Government in the Department of Railways be pleased to state whether the Assam Bengal Railway has the absolute monopoly of appointing retired servants of Government in filling up vacancies, which require technical skill and knowledge ?

**Mr. A. A. L. Parsons** : There are no restrictions on the discretion of the authorities of the Assam Bengal Railway in this matter.

### GOVERNMENT EXAMINERS OF ACCOUNTS ON THE ASSAM BENGAL RAILWAY.

223. \***Mr. Anwar-ul-Azim** : Will the Government be pleased to state who is responsible for the appointment of the Examiners of Accounts in the various railway systems in India ? Who is the present incumbent at Chittagong ? Will he have a chance of stepping into the services of the Assam Bengal Railway Company after he reaches his 60th year, and exhausts all extensions as a Government servant like Babu J. R. Guha, Assistant Auditor ?

**The Honourable Sir Basil Blackett** : The postings of Government Examiners of Accounts who are members of the Indian Audit and Accounts Service are made by the Auditor General. The Accountant General, Railways, is responsible for the posting of Assistant Audit Officers as Government Examiners. The post of Examiner at Chittagong is held by Mr. P. C. Nandi. The appointments in the office of Chief Auditor, Assam Bengal Railway, are, as on other Company-worked lines, made by the Home Board of the Company and not by Government. With regard to Rai Sahib J. R. Guha, I may point out that he has not yet reached his 55th year.

### APPOINTMENT OF MUSSLAMANS AS HOSPITAL ASSISTANTS, COMPOUNDERS AND SANITARY INSPECTORS ON THE ASSAM BENGAL RAILWAY.

224. \***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what are the reasons for not appointing any hospital assistants, compounders and Sanitary Inspectors by the Assam Bengal Railway Company from the ranks of Mussalmans ?

**Mr. A. A. L. Parsons** : There are no reasons why Mussalmans should not be appointed to the posts mentioned, provided they have the necessary qualifications.

### NUMBER OF TICKET COLLECTORS ON THE ASSAM BENGAL RAILWAY.

225. \***Mr. Anwar-ul-Azim** : How many ticket collectors are there in the Assam Bengal Railway ? What are their grades ?

**Mr. A. A. L. Parsons** : There are 131 ticket collectors on the Assam Bengal Railway. The grades are as follows :

A.	..	..	..	Rs. 20—2—25
B.	..	..	..	Rs. 27—2—39
C.	..	..	..	Rs. 40—2½—50
D.	..	..	..	Rs. 53—3—74
E.	..	..	..	Rs. 76—4—100

**Mr. Anwar-ul-Azim :** May I inquire whether those scales have any similarity to the scales fixed by the State-managed Railways ?

**Mr. A. A. L. Parsons :** I will obtain the information for the Honourable Member. I am afraid I have not got it here.

#### METHOD OF RECRUITMENT OF ASSISTANT TRAFFIC SUPERINTENDENTS ON THE ASSAM BENGAL RAILWAY.

226. **\*Mr. Anwar-ul-Azim :** How do the Assam Bengal Railway recruits their Assistant Traffic Superintendents ? How many are they now ? What are their qualifications ? How many of them have been appointed by this Company from the ranks of Chief Clerks, and have they been required to pass any examinations like others appointed from outside ?

**Mr. A. A. L. Parsons :** Assistant Traffic Superintendents have hitherto been recruited by selection. There are 7 now. They have all passed the necessary examinations in traffic working except one or two who by reason of their long service in the subordinate grade have qualified themselves by practical experience. Two have been promoted from the rank of Chief Clerks, and they have not been required to pass any examinations for the reason I have explained.

#### RECRUITMENT OF APPRENTICE MECHANICS ON THE ASSAM BENGAL RAILWAY.

227. **\*Mr. Anwar-ul-Azim :** Will the Member in charge of Railways be pleased to state :

- (a) What are the rules for recruitment of apprentice mechanics in the Assam Bengal Railway ?
- (b) What is the present number of mechanical apprentices ? How many of them are Mussalmans ? Is there any provision for reservation of posts for qualified Moslem candidates ?
- (c) What remuneration is paid to apprentice mechanics ? Is it a fact that the apprentices are treated like ordinary labourers and are paid for the hours they work in the workshop and are not paid anything for Sundays and other public holidays ?
- (d) What is the rate of remuneration of mechanical apprentices in the State-managed Railways ?
- (e) Is it a fact that there is no separate Shop Instructor for the apprentices ? Do the Government propose to improve the present arrangements made by the Assam Bengal Railway for training the mechanical apprentices ?

**Mr. A. A. L. Parsons :** (a) A copy of the rules will be supplied to the Honourable Member.

(b) The present number of mechanical apprentices is 35, of which 7 are Mussalmans. No posts are reserved for Muslim candidates. Apprentices are engaged on the results of a competitive examination.

(c) The rates of remuneration range between 8 annas per day for the first year to Rs. 1-4 per day for the 5th year of training.

Payment is made only for the days the apprentices work.

(d) I place on the table a statement showing the rates of remuneration of mechanical apprentices on State-worked Railways.

(e) There are 3 Instructors for the apprentices. Government have no reason to believe that the arrangements for training the apprentices are unsatisfactory.

*Statement showing the rates of remuneration of mechanical apprentices on State-worked Railways.*

The rates of remuneration on the East Indian Railway range between Rs. 10 per month for the first year to Rs. 30 in the 5th year, and on the Eastern Bengal Railway between Rs. 15 per month in the first year to Rs. 40 in the 6th year. Free board (or an allowance in lieu) is allowed to the apprentices on these Railways. On the North-Western and Great Indian Peninsula Railways the stipend includes an allowance for board and the rates are :

*North-Western Railway.*

Moghalpura—

Rs. 50 in the first year rising to Rs. 90 in the 5th year.

Other Stations—

Rs. 40 in the first year rising to Rs. 80 in the 5th year.

*Great Indian Peninsula Railway.*

Parel and Matunga—

B. Class apprentices—Rs. 32 in the first year rising to Rs. 72 in the 4th year.

A. Class apprentices—Rs. 45 in the first year rising to Rs. 91 in the 4th year.

Jhansi—

B. Class apprentices—Rs. 23 in the first year rising to Rs. 68 in the 4th year.

A. Class apprentices—Rs. 42 in the first year rising to Rs. 83 in the 4th year.

NUMBER OF MUHAMMADANS AND NON-MUHAMMADANS EMPLOYED ON THE  
GREAT INDIAN PENINSULA RAILWAY.

228. \*Maulvi Muhammad Yakub : (a) Will the Government be pleased to say how many Muhammadans and non-Muhammadans are serving in the Great Indian Peninsula Railway in different grades and establishments both in the higher and lower appointments ?

(b) Will the Government be pleased to say what is the proportion of appointments in different establishments within the last three years ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the information contained in the following issues of the Report by the Railway Board on Indian Railways :

1924-25, Volume I, Appendix G.

1925-26, Volume I, Appendix F.

1924-25, Volume II, Appendix C.

1925-26, Volume II, Appendix C.

Similar information will be published for 1926-27.

NUMBER OF MUHAMMADANS DISMISSED SINCE THE AMALGAMATION OF THE  
EAST INDIAN RAILWAY PORTION-(JUBBULPORE TO ALLAHABAD) WITH THE  
GREAT INDIAN PENINSULA RAILWAY.

229. \*Maulvi Muhammad Yakub : Will the Government be pleased to say how many Muhammadans have been dismissed since the amalgamation of the East Indian Railway portion (Jubbulpore to Allahabad) with

reference to the past preceding three years and in proportion to other Indians for the same period ?

**Mr. A. A. L. Parsons :** I presume the Honourable Member refers to discharges. If so, the figures which he wants are not available and could only be obtained, if at all, by a laborious enquiry which Government do not consider it desirable to undertake.

#### EMPLOYMENT OF MUHAMMADANS ON THE GREAT INDIAN PENINSULA RAILWAY.

230. \***Maulvi Muhammad Yakub :** Will the Government say what measures have been taken and methods adopted to have a fair proportion of Muhammadans on the Great Indian Peninsula Railway, and if no such steps have been taken, do Government propose to take some steps towards this direction as has been done in other Railways ?

**Mr. A. A. L. Parsons :** The policy of Government in respect of the prevention of the preponderance of any particular community in the Railway Services has been communicated to all Railways, including the Great Indian Peninsula Railway.

**Maulvi Muhammad Yakub :** Will the Government be pleased to enquire what effect has been given by the different Railways to the directions issued by the Government in this connection ?

**Mr. A. A. L. Parsons :** I have no reason to believe that they are not following our policy.

#### DISCHARGE OF ABDUL MAJID, GOODS CLERK, BY THE GREAT INDIAN PENINSULA RAILWAY.

231. \***Maulvi Muhammad Yakub :** (a) Will the Government be pleased to give reasons for which the Goods Clerk Abdul Majid, Great Indian Peninsula Railway, was discharged from service in August 1926 by the Chief Traffic Manager, Bombay ?

(b) Will the Government further state the charges brought against him, and if there exist no charges, what steps have been taken by the Agent on receipt of notice to the Secretary of State for India in Council and by the Secretary of the Board on receipt of the representation from him in March 1927 ?

**Mr. A. A. L. Parsons :** (a) Government have no information.

(b) A representation was received from Abdul Majid by the Railway Board which was not entertained as under the conditions of his service he had no right of appeal to the Railway Board against his discharge.

#### RULES OF THE GREAT INDIAN PENINSULA RAILWAY REGULATING THE APPEALS OF DISCHARGED HANDS.

232. \***Maulvi Muhammad Yakub :** Will the Government be pleased to lay on the table the rules, if any, of the Railway, which prohibit interviews of subordinates by the Chief Traffic Manager and which prohibit the discharged hands from appealing to represent their cases to the authorities ?

**Mr. A. A. L. Parsons :** There are no such rules.

## DEDUCTION OF WAGES OF RAILWAY EMPLOYEES.

233. \*Maulvi Muhammad Yakub : Will the Government be pleased to say if there are any rules of the Railway which allow the authorities to deduct well earned wages of subordinates without intimating the fact to the person concerned ?

Mr. A. A. L. Parsons : There is no such rule.

## [AWARD OF DOUBLE PUNISHMENTS TO RAILWAY EMPLOYEES.]

234. \*Maulvi Muhammad Yakub : Will the Government be pleased to say if there are such rules by which a railway subordinate is doubly punished for the same clerical error at different times by different officers ?

Mr. A. A. L. Parsons : There is no such rule.

## RE-EMPLOYMENT OF DISCHARGED RAILWAY EMPLOYEES.

235. \*Maulvi Muhammad Yakub : Will the Government be pleased to say how many discharged hands are being re-employed during the last 10 years, and what were the charges against them justifying dismissal and the reasons for taking them back in service ?

Mr. A. A. L. Parsons : Government have no information, and regret that they cannot offer to undertake to make the laborious and expensive enquiries which would be necessary to obtain it.

## AGREEMENTS WITH RAILWAY SERVANTS ON THE GREAT INDIAN PENINSULA RAILWAY.

236. \*Maulvi Muhammad Yakub : Will the Government be pleased to say if there was any necessity to have railway servants bound over by agreements since the Great Indian Peninsula Railway became a State Railway ?

Mr. A. A. L. Parsons : All Railways' employes have to execute agreements on appointment, and when the old Great Indian Peninsula Railway staff was taken over by the State, it was necessary that they should enter into agreements with the State.

## DISMISSAL OF MR. B. L. DE ROZARIO, LATE DEPÔT STORE KEEPER, ALAMBAGH STORES DEPARTMENT.

237. \*Maulvi Muhammad Yakub : (a) Under what circumstances was Mr. B. L. De Rozario, late Depôt Store Keeper, Alambagh Stores Department, dismissed from his service ?

(b) Was the said Mr. De Rozario arrested by the police and after an investigation discharged by an order of the Special Magistrate of Lucknow on the 28th May 1925 ?

(c) Is it a fact that Mr. Lightowler was in direct charge of the Charbagh Stores Department in March 1922, and Mr. Ireland, Sub-Store Keeper, was in charge of the Metal Godown in 1922 and it was he who dealt with the delivery orders and had the handling, weighing and loading of all the brass material in his direct charge ?

(d) Were any of the two above-mentioned European officers brought to book in connection with the late Oudh and Rohilkhand Railway Department fraud cases ?

(e) Is it a fact that under orders G.18, dated 16th January 1924, and G.39, dated 15th March 1924, and Order No. 19-G., dated 27th March 1924, the Depôt Store Keeper had absolutely nothing to do with the delivery of brass material, not even with the weighment of inward and outward wagons in March 1922 ; if so, why was Mr. B. L. De Rozario considered responsible for anything in connection with the Store Department fraud cases ?

(f) Was Mr. De Rozario given any suspension allowance, bonus and gratuity ; if not, why not ?

**Mr. A. A. L. Parsons :** (a) and (b). In the course of his enquiry in connection with the Oudh and Rohilkhand Railway stores frauds, the special police investigating officer secured proof that Mr. Rozario had been implicated in certain fraudulent transactions. Mr. Rozario was arrested on the 19th September 1924 on a charge of criminal breach of trust. Eventually it was decided to deal with Mr. Rozario departmentally and consequently his bail bonds were cancelled by the Special Magistrate, Lucknow, on the 28th of May 1925. Mr. Rozario was, therefore, called upon to show cause why he should not be dismissed and, as he was unable to give satisfactory replies to the charges framed against him, his services were dispensed with.

(c) Mr. Lightowler was officiating District Controller of Stores, District II, Alambagh, and had control over the Charbagh Stores Department, which was under the direct charge of Mr. Rozario. Mr. Ireland was Sub-Storekeeper under Mr. Rozario.

(d) Mr. Lightowler was given a severe warning for lack of care, intelligence and energy in the performance of his duties. Mr. Ireland was dismissed.

(e) The orders referred to were not in force at the time the frauds, in which Mr. Rozario was implicated, were committed.

(f) Mr. Rozario received suspension pay for the full period he was under suspension, but, in view of the circumstances in which he was dismissed, he was not eligible for bonus or gratuity.

#### SENIOR COMMERCIAL INSPECTOR, GREAT INDIAN PENINSULA RAILWAY.

238. **\*Maulvi Muhammad Yakub :** Will the Government be pleased to state from what date the post of Chief Commercial Inspector was created ? Was there such a post ever in existence in the Great Indian Peninsula or any other Railway ? What are the qualifications of the present incumbent ? What was his designation and pay before and after joining the present post ? Will there be a saving of seven thousand rupees by abolishing the post ?

**Mr. A. A. L. Parsons :** Presumably the Honourable Member refers to the post of Senior Commercial Inspector as there is no post of Chief Commercial Inspector on the Great Indian Peninsula Railway.

The post was created in 1925. Prior to that date, it existed under a different designation.

The present incumbent of the post has the necessary qualifications to discharge his duties efficiently. He has risen from the post of a guard through the ranks of a station master and traffic inspector.

Prior to his appointment as Senior Commercial Inspector he was a Divisional Transportation Inspector on Rs. 500 per mensem and he has since officiated as Assistant Goods Superintendent, Wadi Bunder. His pay as Senior Commercial Inspector is the same as he was drawing as Divisional Transportation Inspector.

There would be no saving by abolishing the post because, if the work that the incumbent of the post performs was left undone, the Railway would lose considerably more than the saving in pay thus effected.

#### CHIEF GOODS INSPECTORS, GREAT INDIAN PENINSULA RAILWAY.

239. \*Maulvi Muhammad Yakub : Will the Government be pleased to state if there was any such post as the Chief Goods Inspector on the Great Indian Peninsula Railway or in any other Railways ?

Mr. A. A. L. Parsons : There are two posts of Chief Goods Inspectors on the Great Indian Peninsula Railway on Rs. 450—25—500 per mensem each.

The designation is not used on other Railways, but they have Goods Supervisors or Goods Inspectors.

#### EMPLOYMENT OF A-GRADE STATION MASTERS AT SUTNA AND KATNI ON THE GREAT INDIAN PENINSULA RAILWAY.

240. \*Maulvi Muhammad Yakub : Will the Government be pleased to say what is the necessity of having highly paid (A) grade station masters, who have no experience of goods and coaching matters, and of less qualifications at less important stations (such as Sutna and Katni) where sub-assistant station masters and yard inspectors have already been provided ?

Mr. A. A. L. Parsons : It is within the competence of the Agent to post Station Masters of the various grades to the different stations according to requirements, and Government do not interfere in such matters.

#### THE *Rangila Rasul* CASE.

241. \*Mr. Abdul Haye : 1. Are the Government aware that in January last one Raj Pal of Lahore was convicted under section 153-A, Indian Penal Code, for having published a highly offensive and scurrilous pamphlet called *Rangila Rasul* against the Prophet of Islam and that his appeal was dismissed by the Sessions Judge, Lahore ?

2. Is it a fact that when the case came before the Lahore High Court on the revision side, Mr. Justice Dalip Singh, while agreeing fully with the concurrent finding of the two lower courts that the pamphlet in question was a scurrilous satire on the founder of the Muslim religion, acquitted the accused on the ground that such writings did not fall within the purview of section 153-A of the Indian Penal Code, and that there was no other provision of law under which Raj Pal could be convicted ?

3. Since the enactment of section 153-A of the Indian Penal Code have there been any previous occasions on which this defect in the existing law was pointed out by any of the High Courts in India ?

4. If the answer to part 3 be in the affirmative, why were no steps taken by the Government to amend the law ?

5. Are the Government aware that since the acquittal of Raj Pal there have been repeated scurrilous attacks against the Prophet of Islam by the Hindu Press and Hindu publishers which have considerably exasperated Muslim public opinion ?

6. Are the Government aware that the Allahabad High Court has recently taken a contrary view and dissented from the judgment of Mr. Dalip Singh ?

7. Are the Government aware that in a similar case on an application filed by one Kali Charan Sharma under section 99 of the Criminal Procedure Code, a Special Bench of the Allahabad High Court, presided over by Justices Walsh, Lindsay and Bannerji, has held that such writings containing wanton attacks on the life of a religious teacher promoted, or were intended to promote, feelings of enmity or hatred between different classes of His Majesty's subjects and came within the purview of law ?

8. Did the Government refer this matter of serious conflict of decision to their law officers for opinion ? If so, will the Government lay that opinion on the table ?

9. Do the Government propose to apply to the Privy Council for special leave to appeal against the order of Mr. Justice Dalip Singh in re Raj Pal ?

10. Are the Government aware that the title of this book *Rangila Rasul* being very offensive and scurrilous is greatly resented by the Muslims ? Are the Government prepared to issue instructions that in official correspondence and communications the actual name of the case (Raj Pal *versus* Crown) should be used or it should be referred to as Raj Pal's case and not as the *Rangila Rasul* case ?

11. Are the Government aware that Raj Pal is not the author of the pamphlet *Rangila Rasul* but only its publisher ? Are the Government prepared to direct the Local Government of the Punjab to find out by police investigation or otherwise the real culprit and prosecute him under section 153-A[109, Indian Penal Code ?

**The Honourable Mr. J. Crerar :** 1 and 2. Yes.

3. Government are not aware that general views of this character have been expressed before by any High Court.

4. Therefore does not arise.

5. Two publications alleged to contain such attacks have come to the notice of Government. Of these one was the subject of legal proceedings, while the other was proscribed by the Government of the Punjab.

6. Mr. Justice Dalal of the Allahabad High Court was unable to agree with some of the general arguments of Mr. Justice Dalip Singh's judgment.



7. The Honourable Judges do not appear to have laid down the exact proposition stated by the Honourable Member. The judgments were concerned with the intention of the writer of the particular book then in question.

8. A Divisional Bench of the Lahore High Court have recently expressed a view of the law, which appears to be substantially in accordance with that held by the Allahabad High Court. The point raised in this question therefore does not arise.

9. No.

10. The title no doubt is objectionable, but it is difficult to avoid all reference to it, and in this connection official correspondence is of much less importance than press notices, which cannot be controlled by the Government.

11. Government do not propose to issue any instructions in the matter to the Government of the Punjab, who are primarily concerned and have throughout handled a very difficult situation with commendable judgment and restraint.

#### PRECEDENCE OF A MEMBER OF THE LEGISLATIVE ASSEMBLY IN DARBARS.

242. \*Mr. Anwar-ul-Azim : Will the Government be pleased to state what is the status of a Member of this Assembly, in matters of precedence, in Imperial, Provincial, and Divisional Darbars in India ?

The Honourable Mr. J. Crerar : The Honourable Member is referred to the reply given by Sir Alexander Muddiman on the 31st January, 1927, to a similar question.

#### INTERPETATION OF SECTIONS 148 AND 151 OF THE CODE OF CRIMINAL PROCEDURE, 1908, BY THE HIGH COURT, CALCUTTA.

243. \*Mr. Anwar-ul-Azim : Will the Government be pleased to state, whether the Legislative Department of the Government of India is in touch with all the machinery of administration which puts into execution the various laws promulgated by this House ? If so, will the Department tell us what have been the decisions of the High Court of Calcutta with regard to the interpretation of sections 148 and 151 of the Criminal Procedure Code of 1908, up to now ?

Mr. W. T. M. Wright : I am not sure that I understand the meaning of the first part of the question. The Legislative Department are not in a position to give the Honourable Member any information regarding decisions of the High Courts other than those reported in the Law Reports or referred to in Commentaries, or which may be specially brought to the notice of the Department.

#### APPOINTMENT OF MEMBERS OF MINORITY COMMUNITIES TO THE SERVICES.

244. \*Mr. Anwar-ul-Azim : Will the Government be pleased to state what are the circulars of the Government of India with regard to the appointment of people from the minority communities of this country ?

Which are the Departments of Government to which no circulars have so far been issued and the Departments where they have proved ineffectual ?

**The Honourable Mr. J. Crerar :** General instructions on the subject have been issued by the Home Department. The principles laid down are applicable to the Government of India as a whole, and Departments do not ordinarily issue independent orders on the subject, but confine themselves to bringing the general orders, where necessary, to the notice of subordinate authorities. I know of no case in which the orders have proved ineffectual.

#### METHOD OF RECRUITMENT TO THE SERVICES IN INDIA.

245. **\*Mr. Anwar-ul-Azim :** (a) Will the Government be pleased to state whether it is a fact that the services in this country are mostly recruited from the relations of officers who have served Government in some capacity or other ?

(b) If the answer is in the affirmative, will the Government be pleased to state if they are prepared to keep a certain percentage of Government appointments for people who answer the necessary qualifications, but are not relations of a Government servant, past or present ?

(c) What is the percentage of officers in the Government of India, who are relations of somebody in the service of the Government of India ?

**The Honourable Mr. J. Crerar :** (a) It is no doubt the case that there is a tendency for the relatives of Government officers to seek Government service, but Government could not admit the accuracy of the general statement suggested in the question.

(b) Does not arise.

(c) The statistics are not available, and as a large proportion of the officers in question are recruited by examination, the results of collecting them could hardly justify the great expenditure of time and labour that would be involved.

#### PREFERENTIAL CLAIMS OF MUSSALMANS TO APPOINTMENTS IN THE STATE MANAGED RAILWAYS.

246. **\*Mr. Anwar-ul-Azim :** Will the Government be pleased to state whether in the State-managed Railways Mussalmans have any preferential claims by virtue of their importance as a community ?

**Mr. A. A. L. Parsons :** I would refer the Honourable Member to the Resolution passed in the Assembly on 10th March, 1923. The policy of Government is to avoid a preponderance of any particular community in the services and not to see that all the various communities are represented according to their numerical strength.

#### THE MANIHARI RAJ ESTATE IN THE SANTHAL PARGANAS.

247. **\*Kumar Ganganand Sinha :** (a) Are the Government aware of the fact that (i) by order, dated the 24th January 1905 the Governor General in Council sanctioned Raja Gajraj Singh to continue in posses-

sion of the lands and jagir held by him in the district of the Santhal Parganas free of assessment and not subject to payment of any revenue, (ii) that by a letter dated the 3rd October, 1837 regarding the filing of the redemption suit for that estate, the supreme Government observed that a compromise might unquestionably be made with the heirs of Raja Gajraj Singh ?

(b) Is it a fact that in spite of these directions, the local authorities instituted redemption proceedings under one plea or other ?

(c) Are the Government aware of the fact that the supreme Government by their letter, dated the 15th July, 1839, directed that if the redemption proceedings be decided in favour of the Government, the fact must be reported to the Government before the assessment of the land would begin and as a result of which the collection, which the local authorities had commenced to make over the jagirs of the Manihari Raj, was stopped ?

(d) Will the Government be pleased to state whether the result of the redemption proceedings was reported to the supreme Government for necessary orders, if so, when and what instructions were issued by the supreme Government in this connection ?

(e) Did the Government receive any report with regard to the amicable settlement suggested by them ? If so, did the supreme Government verify the same or not ?

(f) Will the Government be pleased to lay on the table a copy of the letter it received from the local authorities on this point and state how the report was verified, and if it was not verified, why ?

(g) Will the Government be pleased to state whether or not it has ascertained if their direction to definitely ascertain the value of the jagir land and the Malkana rights of the Manihari Rajas was carried out by the local authorities or not ; if so, how and when ; if not, what action has been taken in this connection by the Government ?

**Mr. A. R. Dalal :** The Government of India have ascertained from the Local Government that the matters referred to in the question form the subject of certain civil suits pending in the court of the Settlement Officer, Santhal Parganas. They are, therefore, precluded from answering any portion of this question.

#### AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

248. \***Mr. Gaya Prasad Singh :** (a) Are Government aware that a Resolution recommending the amalgamation of the Oriya-speaking tracts was carried in the Bihar and Orissa Legislative Council on the 25th November 1921 ?

(b) Are Government aware that the Honourable Mr. Madhusudan Das, who was then a Minister, supported the Resolution ?

(c) When do Government propose to take steps for the amalgamation of the Oriya-speaking tracts with the Orissa Division of the Province of Bihar and Orissa ?

**The Honourable Mr. J. Crerar :** (a) Yes.

(b) Yes.

(c) The whole question is still under consideration, and no definite statement can be made at present.

REMOVAL OF THE CAPITAL OF THE UNITED PROVINCES FROM ALLAHABAD TO LUCKNOW.

249. \*Mr. Gaya Prasad Singh : (a) Have Government received any memorial from persons of the United Provinces, protesting against the gradual removal of the capital of the United Provinces from Allahabad to Lucknow ?

(b) Will Government kindly state if there is any truth in the report that the area of the United Provinces administration is likely to be separated into two ; or that the permanently settled tracts of the United Provinces are likely to be amalgamated with the Province of Bihar and Orissa, where the system of permanent settlement prevails ?

The Honourable Mr. J. Crerar : (a) Yes.

(b) Government have not heard of any such report.

ALLEGED EXCESSIVE AND UNFAIR ASSESSMENT OF INCOME-TAX IN BIHAR AND ORISSA.

250. \*Mr. Gaya Prasad Singh : (a) Are Government aware that Mr. W. Johnston, Commissioner of Income-tax, Bihar and Orissa, issued the following Circular, No. A.-334/6, dated Ranchi, the 28th March 1927 to Income-tax Officers :

“ As the point on which the legal ruling was communicated in my Circular No. A.-334/4, dated the 9th February 1927 which has since been cancelled, is by no means clear, and as there are contrary rulings on the point at issue, it is impossible to issue a clear laying down policy to be followed in every case. On the other hand you should take the view in any particular case which is favourable to the department, and leave the assessee to press for a decision on a reference to the High Court, if he is so advised ” ?

(b) Are Government aware that this Circular, by asking the Income-tax Officers to “ take the view in any particular case which is favourable ” to the Income-tax Department, has led to the harassment of many assesseees by excessive, and unfair assessment ?

(c) Do Government propose to ask Mr. Johnston to withdraw this Circular ?

The Honourable Sir Basil Blackett : The Government have no information on the subject.

As far as I can judge, the Honourable Member seems to be referring to confidential correspondence between the Income-tax Commissioner and his officers. If so I shall be very grateful if he will explain how it came into his possession and why he is making public use of it.

Mr. Gaya Prasad Singh : Are Government aware that the circular to which reference has been made does not bear on the face of it any remark to indicate that it is of a confidential nature ? It was issued in the ordinary course of official business.

The Honourable Sir Basil Blackett : As I said, Government have no information on the subject and judging from the fact that the circular deals with correspondence of a confidential nature, I shall be glad if the Honourable Member will speak to me afterwards if he has made a correct use of it.

**Mr. Gaya Prasad Singh :** There is nothing to show that it was of a confidential nature. Is it not stated in the Income-tax Manual, Volume I, page 121 that " it is desirable that, with due regard to the fiscal interests of Government, all Income-tax officials should administer the Act in a sympathetic spirit " ?

**The Honourable Sir Basil Blackett :** If the Honourable Member will put the question down, I would verify his quotation from the Manual.

#### CLAIMS OUTSTANDING AGAINST THE BRITISH WAR OFFICE.

251. **\*Mr. Gaya Prasad Singh :** Has there been any expenditure incurred by Government during or on account of the Great War which forms the subject of a claim upon the British War Office ? If so, what is the total amount of the claim, how much of it has already been paid up, and how much is still outstanding ? What is the nature of the claim falling under the last category ?

**The Honourable Sir Basil Blackett :** The attention of the Honourable Member is invited to the statement placed on the table on 1st February, 1924 dealing with important financial items outstanding between His Majesty's Government and the Government of India, and to my answer on 15th February, 1927 to question No. 425 asked by Mr. Chaman Lal. There has been further progress in the matter, but I am not yet in a position to make a statement.

#### EXPENDITURE ON TROOPS SENT FROM INDIA TO CHINA.

252. **\*Mr. Gaya Prasad Singh :** (a) Has any sum been hitherto spent by Government out of India's revenue towards the equipment, despatch, or maintenance of India's troops in China, including arms and ammunition ? If so, how much ?

(b) What is the number of troops sent out of India to China, English and Indian ?

**Mr. G. M. Young :** (a) I would refer the Honourable Member to the statement that I made in the House on the 25th March last.

(b) On the 1st May 1927, the effective strength of the Indian contingent of the Shanghai Defence Force was—

British ranks	..	..	..	..	2,232
Indian ranks	..	..	..	..	3,305
Followers	..	..	..	..	722

#### CONTRIBUTION TO THE AITCHISON COLLEGE, LAHORE.

253. **\*Mr. Gaya Prasad Singh :** (a) Do Government contribute any sum to the Aitchison College, Lahore ? If so, how much per year ?

(b) Is there any Managing Committee of this Institution ? If so, who are the members ?

**Sir Denys Bray :** (a) Rs. 15,000 a year from Central Revenues and Rs. 12,000 a year from provincial revenues.

(b) There is a large Committee of Management ; the Honourable Member will find the names in the last annual report of the College, a copy of which is in the Library.

SERIOUS COMPLAINTS MADE BY THE MERCANTILE COMMUNITY OF MEERUT AGAINST THE STATION MASTER OF MEERUT CITY STATION.

254. \***Mr. Ismail Khan** : Is it a fact that the mercantile community of Meerut has made serious complaints against the station master of Meerut City station ? What action have the Government taken against the station master ?

**Mr. A. A. L. Parsons** : Government are not aware of any such complaints. They have, however, sent a copy of the Honourable Member's question to the Agent, North-Western Railway.

CONSTRUCTION OF THE RAJGHAT-JEHANGIRABAD AND BULANDSHAHR BRANCH RAILWAY.

255. \***Mr. Ismail Khan** : Will the Government be pleased to state what progress has been made in the construction of the Rajghat-Jehangirabad and Bulandshahr Branch ? When is it expected to be completed and whereabouts in Jehangirabad is the railway station to be located ?

**Mr. A. A. L. Parsons** : A report on the project has just been received, and is under examination.

The location of the railway station in Jehangirabad has not yet been settled.

CUTTING OF TREES IN CANTONMENTS.

256. \***Mr. Ismail Khan** : Are the Government aware that in Cantonments no owner of a bungalow can cut a tree in his compound without the previous sanction of the Executive officer, and that if the Executive Officer refuses his sanction, he is compelled to abide by it under a threat of criminal prosecution ? What law sanctions this interference with the rights of private property ?

**Mr. G. M. Young** : Government cannot prevent the felling of trees on private land. If the land belongs to Government the right of the lessee or grantee depends on the terms of the lease or grant. There is no question of interference with rights in private property.

COLLECTION OF TAXES IN CANTONMENTS.

257. \***Mr. Ismail Khan** : 1. Are the Government aware that there is a great deal of discontent in the Cantonments about the provision of the Cantonment Act of 1923 which makes it compulsory on the occupiers of houses to go to the cantonment office to pay their taxes ? Are Government aware that it entails serious inconvenience and hardship on poor *purdah-nashin* ladies ?

2. According to the old system was there door to door collection of taxes ? If so, are Government prepared to revert to the old system ?

**Mr. G. M. Young :** (1) There is no such provision in the Cantonments Act, 1924, nor are the Government aware that any new system of tax collection has been introduced as a result of that Act.

(2) Government have no information on this point. Cantonment Authorities have, however, powers to frame bye-laws on the subject, and I would suggest that if there is any cantonment in which this grievance actually exists, a representation should be made to the Cantonment Authority.

#### RECOMMENDATIONS OF THE SKEEN COMMITTEE.

258. \***Mr. Ismail Khan :** What action do the Government intend to take on the recommendations of the Skeen Committee with regard to :

(a) ten vacancies allotted to Indians at Sandhurst being doubled in 1928,

(b) eight vacancies being allotted to Indians at Woolwich and two at Cranwell in 1928 ?

**Mr. G. M. Young :** The Honourable Member is referred to the reply given to Diwan Chaman Lall's question No. 109.

#### RECOMMENDATIONS OF THE ECONOMIC ENQUIRY COMMITTEE.

259. \***Mr. M. S. Aney :** (a) Will the Government be pleased to state whether the Government of India have by this time finished the consideration of the various recommendations of the Economic Enquiry Committee in so far as they affected them and come to any decisions thereon ?

(b) If the answer to the above be in the affirmative, will the Government be pleased to place the same on the table ?

(c) If the answer be in the negative, will the Government be pleased to explain the reasons for this delay ?

#### RECOMMENDATIONS OF THE ECONOMIC ENQUIRY COMMITTEE.

260. \***Mr. M. S. Aney :** (a) Will the Government be pleased to say whether they have received replies from all the Provincial Governments to their letter (No. D.4299-F., Government of India. Finance Department), dated the 23rd of October 1925 ?

(b) If not, will Government be pleased to state what Provincial Governments have yet failed to submit their replies ?

(c) Will the Government be pleased to state what steps they have taken during the last twenty months to expedite the replies from these Provincial Governments ?

(d) With advertence to the reply given by the Honourable Sir Basil Blackett on the 19th of August 1926 on the floor of this House to question No. 105, do Government propose to publish the replies of the Provincial Governments to the above letter received to the beginning of August 1927 without waiting any longer for replies from defaulting Provincial Governments, if any ?

**The Honourable Sir George Rainy :** With your permission, Sir, I should like to reply to questions Nos. 259 and 260 together.

The replies of all the Local Governments have been received. The last of them was received only in March, 1927, and every endeavour is being made to deal with the Committee's recommendations as expeditiously as possible.

The Government do not propose to publish the replies, but copies have been placed in the Library.

#### SOCIAL BOYCOTT OF INDIAN STUDENTS IN EDINBURGH.

261. \*Mr. Abdul Haya : (a) Are Government aware that Indian students resident in Edinburgh have been subjected to social boycott ?

(b) Are Government aware that most of the landladies at Edinburgh do not take Indians as lodgers ?

(c) Is it a fact that in Edinburgh Indian students are refused admittance into places of amusement and entertainment such as restaurants, hotels, dance halls and ball rooms ?

(d) Has the attention of the Government been drawn to the reports sent by the Honorary Secretary, Edinburgh Indian Union, and published recently in almost all the Indian papers in which besides the facts mentioned above it is further stated that even the University life is not free from anti-Asiatic manifestations ; that native students stay at arm's length from the coloured students and any social intercourse is out of the question ; that Indians are not admitted to the Royal Medical Society ; that they were refused admittance to the annual dance of the University and even the swimming bath of the University is not open to them ?

(e) If the answer to part (d) be in the affirmative, what steps did the Government take to grant relief to the Indian students in Edinburgh and to safeguard their honour and interests ?

(f) Did the Government correspond with the Secretary of State for India in Council on the subject and ask him to use his good offices and prevent this objectionable treatment of Indian students ?

(g) Are Government prepared to lay this correspondence (if any) on the table ?

The Honourable Mr. J. Crerar : I invite the Honourable Member's attention to the answer I gave on the 22nd of August to a similar question by Mr. Gaya Prasad Singh. Government understand that Indian students have as a rule no difficulty in getting lodgings.

#### EXHIBITION OF THE FILM ENTITLED THE " MOON OF ISRAEL " IN DELHI.

262. \*Mr. Abdul Haya : (a) Will the Government please state what procedure is adopted by the Indian Board of Censors before a cinema film is passed ? Are any facilities afforded to the public to examine and take objection to the matter sought to be filmed ?

(b) Are Government aware that a film called " Moon of Israel " which was duly passed by the Board of Censors was considered objectionable by the Muslim public of Delhi who demanded its stoppage while it was being filmed at the Elphinstone Picture Palace in July last ?

(c) Have Government examined the film since then and what final orders have been passed in this matter ?



**The Honourable Mr. J. Crerar :** (a) There is at present no all-India Board of Censors. Section 7 (1) of the Cinematograph Act, 1918, as amended by the Cinematograph (Amendment) Act, 1919, empowers Local Governments authorised in this behalf by the Governor General in Council to constitute certifying authorities, and Boards have been set up in Madras, Bombay, Calcutta and Rangoon. Under the Act at least half of the members of these Boards must be non-officials. Government are at present carefully considering the whole system of cinema censorship.

(b) Yes.

(c) On receiving a report as to the nature of the film the District Magistrate suspended the certificate under section 7 (5) of the Cinematograph Act. The Chief Commissioner of Delhi subsequently discharged this order on obtaining from the Manager of the Picture Palace a written undertaking to the effect that the film would not be exhibited again in Delhi.

#### ACCOUNTS OF THE POST OFFICE LIFE INSURANCE FUNDS.

263. \*Maulvi Muhammad Yakub : Will the Government be pleased to state whether the accounts of the Postal Life Insurance Fund have been actually examined for the quinquennium 1922-27, and if so, whether an *ad interim* bonus has been declared or not ? If not, when may such a declaration be expected ?

**Mr. H. A. Sams :** The accounts of the Post Office Life Insurance Fund for the quinquennium 1922-27 have been made up for the purpose of the actuarial investigation which has been taken in hand. An *ad interim* bonus payable during the quinquennium was declared in January, 1925.

#### EDUCATION OF THE CHILDREN OF INDIAN EMPLOYEES OF RAILWAYS.

264. \*Maulvi Muhammad Yakub : Will the Government be pleased to state what arrangements have been made by the railway authorities in India to carry out the recommendations of the Indian Public Service Commission of 1912, to provide better educational opportunities at all important railway centres to the children of Indian railway employees as is being given to Europeans and Anglo-Indians ?

**Mr. A. A. L. Parsons :** The question of assistance to railway employees in the education of their children is under investigation by an officer of the Educational Department.

**Maulvi Muhammad Yakub :** May I know, Sir, how long has this question been under investigation and how much more time will it take before this investigation is finished ?

**Mr. A. A. L. Parsons :** I think Mr. Jones has been on duty for about 8 years. I received a copy of his report—whether preliminary or final I am not sure,—yesterday.

OPENING OF RAILWAY INSTITUTES TO INDIANS.

265. \*Maulvi Muhammad Yakub : Are the Railway Institutes in India open to the Indian employees ? If not, why not ? Do the Government propose to issue orders that the existing Railway Institutes be opened for common use both by Europeans and Indians in order that a spirit of fellowship be promoted thereby between the two classes of employees ?

Mr. A. A. L. Parsons : The practice varies on different Railways. In some cases the Institutes are open to all employees—European, Anglo-Indian or Indian—and in others separate institutes are provided for Indian employees. On account of the difference in the mode of living and the consequent difference in the amenities that the Institutes are intended to provide, Indian employees generally prefer to have separate Institutes of their own.

Maulvi Muhammad Yakub : Are there any Institutes established for the Indian employees on any of the Railways ?

Mr. A. A. L. Parsons : Yes, Sir.

DISCHARGE OF MR. NASIRUDDIN AHMAD, *Ex* HEAD ESTABLISHMENT CLERK OF THE COMBINED OFFICES OF GAYA AND DINAPORE, EAST INDIAN RAILWAY.

266. \*Maulvi Muhammad Yakub : (a) Will the Government be pleased to state under what circumstances the services of Mr. Nasiruddin Ahmad, *ex*-Head Establishment clerk of combined office Dinapur, Gaya Division, were dispensed with ?

(b) Was he served with any charge sheet and given an opportunity to tender an explanation ?

(c) Is it a fact that in 1924 when the post of the Establishment clerk fell vacant, the District Superintendent, Mr. Fitzpatrick, recommended a Bengali clerk for the post, but the then Chief Superintendent, Mr. F. E. Robertson, and the then General Traffic Manager, Mr. Hayman, selected Mr. Ahmad for the post ?

(d) Is it also a fact that the nominee of Mr. Fitzpatrick appealed to the Agent against the order of Mr. Ahmad's appointment which was disallowed by the Agent, Mr. Colvin, under his No. E.-3773/1661-P.I. of 20th December, 1921 ?

(e) Is it a fact that when the Divisional system was enforced in September, 1924, Mr. Ahmad was given a *bona fide* " offer " of service which he formally accepted ?

(f) Is it a fact that on December 15th, 1924, Mr. Ahmad was taken to Dinapore by Mr. Jacobson to set up a Divisional office which he did ?

(g) Is it a fact that on December 16th, 1924, the said Mr. Jacobson gave Mr. Ahmad a letter to the medical officer for his retirement under physical unfitness ?

(h) Is it also a fact that on December 17th, 1924, Mr. Ahmad was promoted as in charge of the combined offices of Gaya and Dinapore ?

(i) Was Mr. Ahmad abruptly discharged on the 19th December, 1924, purporting to be under the terms of an agreement ?

(j) Is it not a fact that according to his new contract Mr. Ahmad had the prospect of serving 11 years more and on account of his abrupt discharge he lost his place, his gratuity for nearly 21 years and the benefits of retirement ?

(k) Do the Government propose to take measures in order to do justice to this unfortunate man ?

**Mr. A. A. L. Parsons :** (a), (b) and (i). In his own interests I am not prepared to give the reasons why Mr. Nasiruddin Ahmad was discharged. The East Indian Railway Company dispensed with his services before the Railway was taken under State management, and since the case was one of discharge and not of dismissal, there was no reason for serving him with a charge sheet.

(c) and (d). These events took place in 1921 and not in 1924, otherwise the Honourable Member's question substantially represents what occurred.

(e) and (j). The Honourable Member presumably refers to the offer of employment made to the staff of the East Indian Railway generally in connection with the transfer of the management of that Railway to the State. Mr. Ahmad received that offer, but it automatically lapsed on his discharge by the East Indian Railway Company before the transfer took place.

(f) and (h). Mr. Ahmad was transferred to Dinapore with all the other clerks in the Gaya District Office and was put in charge of the combined establishment branches of Gaya and Dinapore District offices.

(g) There is no record to this effect.

(k) Government do not propose to take any action.

#### RESERVATION OF FIRST AND SECOND CLASS COMPARTMENTS ON THE EAST INDIAN RAILWAY.

**Mr. B. P. Naidu :** Sir, may I ask the questions standing in the name of Khan Bahadur Sarfaraz Hussain Khan ?

**Mr. President :** I allow the Honourable Member to ask questions standing in the name of Khan Bahadur Sarfaraz Hussain Khan, but I propose hereafter to discourage the practice of Members giving notice of a large number of questions and not remaining present to put them.

267. **\*Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : With reference to the Government reply on 27th January, 1927, to starred question No. 5, regarding the reservation of first and second class compartments on the East Indian Railway, will Government please state if the experiment has actually been extended to all stations on the East Indian Railway as decided by the Agent ?

**Mr. A. A. L. Parsons :** The experiment has been extended to all stations on the East Indian Railway in local booking subject to a minimum distance of 100 miles.

**METHOD ADOPTED BY RAILWAY COMPANIES IN AMERICA SHOWING EXPENDITURE DISTRIBUTED BETWEEN PASSENGER AND GOODS WORKING.**

268. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) With reference to Government reply on 27th January, 1927 to starred question No. 8, regarding the method adopted by railway companies in America showing expenditure distributed between passenger and goods working, will Government please state if they have received the report of the officer deputed to examine American methods ?

(b) If so, will they please lay the report on the table ?

(c) If not, by what time do they expect to receive it ?

**Mr. A. A. L. Parsons** : (a), (b) and (c). The Honourable Member is referred to the reply given to Mr. N. C. Kelkar's question No. 206 on the same subject.

**POLL-TAX ON ASIATICS IN KENYA.**

269. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) With reference to Government reply "Government are in communication with the Colonial Government" given in reply to starred question No. 10 on the 27th January, 1927, regarding the poll-tax on Asiatics in Kenya, will Government please state if any final decision has been arrived at on the subject ?

(b) If so, will they please communicate the result to the House ?

(c) If no decision has been arrived at, will they please state by what time it is likely to be arrived at ?

**Mr. G. S. Bajpai** : The Honourable Member is referred to the reply given by me to Mr. N. C. Kelkar's question No. 187 on the same subject.

**FITTING OF AUTOMATIC CENTRE BUFFER COUPLERS TO ROLLING STOCK ON RAILWAYS.**

270. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) With reference to Government reply to starred question No. 12 on the 27th January, 1927, regarding the fitting of automatic centre buffer couplers to rolling stock on Railways, will Government please state whether the proposed trials to be made at Lahore have been made ?

(b) If so, will Government please state if they have come to any decision in the matter ?

(c) If not, by what time do they expect trials to be completed and decision arrived at ?

**Mr. A. A. L. Parsons** : (a) Yes.

(b) No, because these or similar trials are also being made in other places and the investigation into the financial aspect of the problem will need reconsideration after all the trials are complete.

(c) It is not possible yet to name a date.

# ARRANGEMENTS FOR THE SECURITY OF INDIAN PILGRIMS BETWEEN JEDDAH AND MECCA.

271. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) Has the attention of the Government been drawn to the paragraph published in the issue of the *Statesman* of 18th May, 1927, under the heading "Pilgrims to Mecca" ?

(b) If so, will they please state whether the reply given in the House of Commons by Earl Winterton as reported is correct ?

(c) Will Government please state if the arrangements for the security of Indian pilgrims between Jeddah and Mecca were satisfactory in the present year ?

**Sir Denys Bray** : The answer to all three parts of the question is 'Yes'.

## INTRODUCTION OF THE CREW SYSTEM ON INDIAN RAILWAYS.

272. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) When was the crew system introduced on Indian Railways ?

(b) On which lines has the system been introduced so far ?

(c) Will Government please state if the system has proved a success ?

**Mr. A. A. L. Parsons** : (a) On the East Indian Railway in August 1926.

(b) On the East Indian Railway.

(c) The system is still under trial.

## ACQUISITION OF RAILWAY COLLIERIES.

273. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) Will Government please state if any railway collieries have been acquired after laying on the table the statement in reply to starred question No. 13 on the 27th January, 1927 ?

(b) If so, how many ?

**Mr. A. A. L. Parsons** : The answer is in the negative.

## REPORT OF THE TARIFF BOARD REGARDING THE MANUFACTURE IN INDIA OF ARTICLES IN COMMON USE ON RAILWAYS.

274. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) Will Government please state if they have received the Report of the Tariff Board on the question of manufacture in India of articles in common use on Railways (*vide* starred question No. 14 on the 27th January, 1927) ?

(b) If so, will they please communicate the result to the House ?

(c) If not, by what time do they expect to receive it ?

**The Honourable Sir George Rainy** : The Report has been received and is under consideration.

**PART II OF THE REPORT OF THE BACK BAY RECLAMATION COMMITTEE.**

275. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) Will Government please state if they have received copies of Part II of the Report of the Back Bay Reclamation Committee from England (*vide* Government reply to starred question No. 27 on the 27th January, 1927) ?

(b) Have Government decided whether they would give free copies of the Report to the Members of the Assembly (*vide* Government reply to the supplementary question to the above question) ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) Yes ; a copy was placed in the Council House Library last February.

(b) The matter was given due consideration and it was found that the supply of the requisite number of copies to Members of the Assembly would necessitate reprinting the Report in India. As the cost of this would have been considerable, and as a copy is available in the Library for the use of Members who wish to consult it (and more can be supplied, if necessary), it was thought unnecessary to incur expenditure in having the Report reprinted.

**SUMMARIES OF THE SPEECHES OF REPRESENTATIVES OF INDIA AT THE RECENT IMPERIAL CONFERENCE.**

276. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) Will Government please state if they have received copies of the full texts or of official summaries of the speeches of the representatives of India at the recent Imperial Conference ?

(b) If not, by what time do they expect to receive them ?

**The Honourable Mr. J. Crerar** : (a) and (b). The answer is in the affirmative. A copy of the full texts of the speeches made at the Conference has been placed in the Library of the House.

**CANDIDATES FROM BIHAR AND ORISSA AT THE EXAMINATION FOR THE RECRUITMENT OF ACCOUNTANTS FOR RAILWAY AUDIT OFFICERS.**

277. \***Mr. B. P. Naidu** (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) Will Government please state how many candidates from the Province of Bihar and Orissa appeared at the examination for the recruitment of accountants for Railway Audit Officers under the Accountant General, Railways, held in 1925 and 1926, respectively ?

(b) Will Government also please state how many out of the men appointed to the Service in the above Examinations were residents of the province of Bihar and Orissa ?

(c) What is the total number of Accountants in the Railway Audit Offices under the Accountant General, Railways, and how many out of them are residents of the province of Bihar and Orissa ?

**The Honourable Sir Basil Blackett** : (a) 3 in 1925 and 2 in 1926.

(b) None. The examination is a competitive one.

(c) The total number of Accountants in the offices in question is 123 and none of them is a resident of the Province of Bihar and Orissa.

## EXPENDITURE ON THE COUNCIL HOUSE AT NEW DELHI.

278. Mr. B. P. Naidu (on behalf of Khan Bahadur Sarfaraz Hussain Khan) : (a) Will Government please state the amount of public money spent on the Council House at New Delhi up to March, 1927 ?

The Honourable Sir Bhupendra Nath Mitra : Rs. 73 lakhs.

## CONTRACTOR FOR PORTERS AT THE DELHI RAILWAY STATION.

279. Mr. N. M. Joshi : (a) Will Government be pleased to state whether there is a licensed Contractor for porters on the railway station at Delhi ?

(b) Will they be pleased to state his name and antecedents ?

(c) Will they state whether he pays any fee for his licence and, if so, how much is the annual fee ?

(d) Will Government be pleased to state what fee the Contractor takes from the porters ?

(e) Is it a fact that he charges an initial fee of Rs. 8 ? If not, how much initial fee does he charge ?

(f) Will they please state whether besides the initial fee he also takes four annas a day from each porter ? If not, how much does he take daily ?

(g) Will Government be pleased to state whether the porters besides paying the Contractor have to make some daily payment to the Contractor's servants ?

(h) Are Government prepared to inquire into the matter through a special officer and place his report before the Advisory Committee ?

Mr. A. A. L. Parsons : (a) The reply is in the affirmative.

(b) Mr. R. W. Egan, late Station Superintendent, Delhi.

(c) The reply is in the negative.

(d), (e) and (f). A daily fee of annas four is charged per porter present, but no initial fee is charged. Each porter on-joining pays a security deposit of Rs. 5 which is refunded when he leaves.

(g) The reply is in the negative.

(h) Government see no reason for an enquiry.

Mr. N. M. Joshi : May I ask the Honourable Member whether the taking of four annas from each porter in the Delhi station does not amount to making the passengers also pay more for the porters' charges ?

Mr. A. A. L. Parsons : I am not sure that it does so, Sir. In any case arrangements for carrying their luggage will cost something. I may add to the answer that I have already given that I have received demi-official information from the Agent that he is considering the possibility of controlling these coolies departmentally ; but the difficulty has been to discover any system which will be as effective in the interests of the passengers as the present system.

PROSCRIPTION OF *Forward* BY THE GOVERNMENT OF BURMA.

280. \*Mr. K. C. Roy : (1) Will Government be pleased to state whether it is a fact that the Government of Burma proscribed the *Forward* newspaper of Calcutta in that province ? If so, will Government be pleased to state the authority under which the Provincial Government acted ?

(2) Will Government be pleased to state the causes which led to the decision proscribing *Forward*, and place all correspondence in this connection on the Table ?

The Honourable Mr. J. Crerar : (1) The Government of Burma intercepted copies of the newspaper in question in exercise of their powers under section 26 of the Indian Post Office Act, 1898.

(2) I invite the Honourable Member's attention to the answer I gave on the 22nd August, 1927, to a similar question by Mr. Gaya Prasad Singh.

GRIEVANCES OF THE SUBORDINATE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

281. \*Mr. N. C. Kelkar : Has the attention of Government been drawn to the letter of Mr. Zabwalla in the *Indian National Herald* of Bombay, dated the 9th July, 1927, relating to the meagre wages, unduly long hours of duty, and denial of leave to the Great Indian Peninsula Railway staff ? If so, will Government state, on what particular points, they do not regard the statement of Mr. Zabwalla as correct or accurate ? Further, with regard to the statements which they do not challenge, will Government state what action they propose to take to give relief to the staff concerned ?

Mr. A. A. L. Parsons : Government have seen the letter referred to. A memorandum dealing with the alleged grievances of the subordinate staff is being sent to the Honourable Member.

HOURS OF WORK OF EMPLOYEES OF STATE RAILWAYS.

282. \*Mr. N. C. Kelkar : Is it a fact that the Railway Board has made a rule that the attendance of no railway employee should exceed 60 hours per week ? Will Government state whether the rule is in force on all the State Railways ? If not, will Government state reasons ? Is it a fact that coaching clerks, ticket collectors and parcel clerks have to work in two shifts only, while signallers work in three shifts, per day ?

The Honourable Sir George Rainy : I would refer the Honourable Member to the reply given to question No. 151 put by Mr. N. M. Joshi in the present Session.

GRANT OF PRIVILEGE AND CASUAL LEAVE TO THE EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

283 \*Mr. N. C. Kelkar : Will Government state approximately in how many per cent. of applications for privilege and casual leave is the request for leave duly granted to the employees of the Great Indian Peninsula Railway ?

Mr. A. A. L. Parsons : Government have no information about a minor detail of this description.



GRANT OF A TIME-SCALE TO THE EMPLOYEES OF THE COMMERCIAL DEPARTMENT  
OF THE GREAT INDIAN PENINSULA RAILWAY.

284. \*Mr. N. C. Kelkar : Will Government state whether the employees in the Railway Commercial Department of the Great Indian Peninsula Railway get the advantages of any time-scale ? If not, will Government state the reasons for this adverse differentiation against the Commercial Department employees ?

Mr. A. A. L. Parsons : Time-scales of pay are in force in the offices of the Chief and Divisional Traffic Managers. As regards the station staff, no time-scale of pay has been introduced for the Commercial Department nor for any other Department. There is therefore no adverse differentiation against the Commercial Department employees.

PROVISION OF QUARTERS, OR GRANT OF A HOUSE RENT ALLOWANCE IN LIEU  
THEREOF, TO THE EMPLOYEES OF THE RAILWAY COMMERCIAL DEPARTMENT  
AT BOMBAY, KARACHI AND POONA.

285. \*Mr. N. C. Kelkar : Will Government state whether they intend making any provision for quarters, or payment of rent allowance in lieu thereof, to the employees of the Railway Commercial Department at Bombay, Karachi and Poona, as the Local Government has done for some of their employees ?

Mr. A. A. L. Parsons : An allowance on account of the high cost of living is made to such employees at Bombay and Karachi, but not at Poona. Under the rules, employees of the Commercial Department are not entitled to free quarters, as it is not essential that they should live near their work. No change in the existing practice is at present contemplated.

ABOLITION OF THE POSTS OF THREE INDIAN SUB-ASSISTANT STATION MASTERS  
AT POONA.

286. \*Mr. N. C. Kelkar : Is it a fact that posts of three Indian sub-assistant station masters at the Poona station on Rs. 85 were abolished, and new posts of three European assistant station masters were created on Rs. 345 per mensem ? Will Government state full particulars of the case ?

Mr. A. A. L. Parsons : In June last, Government sanctioned three posts of assistant station masters on a maximum pay of Rs. 345 per mensem each in lieu of three posts of sub-assistant station masters on Rs. 85 each for the new Poona and Ghorpuri stations as a result of the recommendations made in this behalf by a Committee appointed to consider the arrangements for working the joint stations, yards and sheds. The posts are not reserved for Europeans.

GRANT OF HOLIDAYS TO THE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

287. \*Mr. N. C. Kelkar : Will Government state how many whole and how many half holidays are granted to the staff of the Great Indian Peninsula Railway in a year ?

Mr. A. A. L. Parsons : It would take a very considerable time and entail a great deal of labour to collect this information and Government do not consider that any useful purpose will be served thereby.

GRANT OF A HOLIDAY ON THE HINDU NEW YEAR'S DAY TO THE HINDU EMPLOYEES IN THE AMMUNITION FACTORY AT KIRKEE.

288. **Mr. N. C. Kelkar** : Will Government state what per cent. of the employees in the military factories at Kirkee (Poona) are Hindus ? And will Government state whether they are granted a holiday on the Hindu New Year's day ? Is it a fact that holidays are given on their New Year's day to Muhammadan employees and employees of other faiths ?

**Mr. G. M. Young** : 90 per cent. of the employees in the Ammunition Factory, Kirkee, are Hindus. The holidays allowed in all Ordnance Factories are those mentioned in section 25 of the Negotiable Instruments Act of 1881 and those notified by the Local Government in whose territories the factory is situated. The Bombay Government have notified the Parsi New Year's day, but not the Hindu nor the Muhammadan New Year's day, as a holiday in the current year.

PROTECTIVE DUTY ON IMPORTED PAPER.

289. **\*Mr. N. C. Kelkar** : (a) Is it a fact that according to the Paper Industry Protection Act of 1925, the one anna protective duty was intended to be levied against imported paper containing less than 65 per cent. of mechanical wood-pulp ?

(b) If so, is the provision still in force ? If not, will Government state the reasons which led to the departure from this provision ?

**The Honourable Sir Basil Blackett** : (a) The answer is in the affirmative.

(b) The provision is still in force and there has been no departure from it.

LEVY OF A PROTECTIVE DUTY ON PAPER.

290. **\*Mr. N. C. Kelkar** : (a) Is it a fact that ruling No. 1 of 1927 (Customs Department) was issued upon representations made by certain paper mills in India ?

(b) If the reply to (a) be in the negative, will Government state whether the ruling in question was issued by Government on representations of any other parties or whether it was issued *suo motu* ?

(c) Is it a fact that Government have under consideration a revision of the said ruling in such a way that the protective duty of one anna be levied only upon paper containing less than 65 per cent. mechanical wood-pulp of the weight of the fibre contents ?

(d) Will Government state the dates on which the said ruling was put into operation at Bombay, Karachi and Calcutta ?

(e) Will Government state whether they intend to refund the excess duty paid under protest or provisionally levied upon paper to which the revision, if any, of the ruling applies ?

**The Honourable Sir Basil Blackett** : (a) Yes.

(b) Does not arise.

(c) The matter was referred to the Tariff Board who have just reported.

(d) The new ruling was communicated by telegram to all the ports on the 3rd February, 1927.

(e) The answer is in the negative.

#### SHORT LEVY OF IMPORT DUTY AT BOMBAY.

291. \***Mr. N. C. Kelkar** : Will Government state whether notices of claims for short levy of import duty under section 39 of the Sea Customs Act were issued at Bombay weeks after the clearance of consignments from the Customs Office ? If so, are not Government aware that the duty was levied upon goods which must in the ordinary course of business have been sold out ?

**The Honourable Sir Basil Blackett** : The Government have no information as regards the first part of the question. Section 39 of the Sea Customs Act leaves it open to the Customs Collector to claim duty that has been short-levied within three months from the date of the first assessment. This right was, however, waived in respect of consignments on which duty was paid before the date on which the ruling was received by the Customs officers.

The Government have no definite information, although the facts are probably as suggested.

#### CHEMICAL ANALYSIS OF PAPER.

292. \***Mr. N. C. Kelkar** : (a) Will Government state what is the test, in force, at present at Bombay by which the percentage of fibre contents of paper is ascertained ? Also whether the same test applies at Karachi and Calcutta ?

(b) Will Government state whether they intend to prescribe and also publish a standard specified test for the guidance of all Customs Offices at various ports in India ?

(c) What is the average period taken by the Government Chemical Analyser to report on each sample submitted to him for analyses ?

(d) Will Government state whether the present Chemical Analysers of Government have the necessary qualifications for analysing paper ?

**The Honourable Sir Basil Blackett** : (a) The facts are stated in paragraph 9 of the Report of the Indian Tariff Board, dated the 13th July, 1927.

(b) The Government have recently recommended the adoption by Chemical Analysers of the method employed by the Calcutta Customs House, namely, the fibre-count method subject to correction by determination of ash and to check by the phloroglucinal test.

(c) The Government have no information.

(d) The answer is in the affirmative.

#### CHEMICAL ANALYSIS OF PAPER.

293. \***Mr. N. C. Kelkar** : (a) Are not Government aware that importers of paper are put to a loss by reason of their having to hold over the sale of their paper goods pending the result of chemical analyses and final assessment of import duty on the same ?

(b) Are Government prepared to make arrangements for making chemical analyses of paper in their own Customs Office within 3 days from date of examination so as to avoid delay ?

**The Honourable Sir Basil Blackett :** (a) The Government have no specific information, but it is probably inevitable that the delay caused by chemical analyses, however unavoidable, should sometimes cause loss to merchants.

(b) It is not possible for Government to make arrangements for chemical analysis of paper in the Custom House except in those places in which there is a chemical laboratory in the Custom House itself ; but instructions have been issued to Collectors of Customs that no avoidable delay should be permitted to occur in making analyses of imported goods.

#### RECOMMENDATIONS OF THE ECONOMIC ENQUIRY COMMITTEE.

294. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Will Government please state if they have received replies from all the Provincial Governments regarding the Economic Enquiry Committee, 1925 ?

(b) If they have, will they please state whether they have arrived at a decision regarding taking action on the recommendations of the Committee ?

**The Honourable Sir George Rainy :** I would refer the Honourable Member to the reply given by me to-day to questions Nos. 259 and 260 asked by Mr. Aney.

#### NUMBER OF INDIAN JUDGES OF HIGH COURTS.

295. **\*Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state the number of Indian Judges out of the total number of 89 High Court Judges and Chief Court Judges as shown in the statement laid on the table in reply to unstarred question No. 11 on the 31st January, 1927 ?

**The Honourable Mr. J. Crerar :** 40.

#### COLONISATION OF THE ANDAMANS BY MOPLAHS.

296. **\*Khan Bahadur Sarfaraz Hussain Khan :** (a) Is it a fact that a batch of Moplah convicts were recently brought to Malabar from the Andamans and taken about under police custody and made to persuade their own wives and children and the families of other Moplah convicts to migrate to the Islands ?

(b) If they have no information on the subject, will the Government please make enquiries from the Local Government and communicate the result to the House ?

**The Honourable Mr. J. Crerar :** (a) and (b). I understand that a party of Moplah convicts who voluntarily elected to settle in the Andamans were permitted by the Chief Commissioner to visit Malabar and to bring back their wives and families with them. These facilities were granted in pursuance of the undertaking given by Government in paragraph 10 (iv) of the Government of India, Home Department Resolution No. F-188/24-Jails, dated the 4th October, 1926, a copy of which I will give the Honourable Member. The suggestion that coercion was used is incorrect.

### AIRSHIP SERVICE BETWEEN ENGLAND AND INDIA *via* EGYPT.

297. \*Khan Bahadur Sarfaraz Hussain Khan : Will Government please state by what time the aerodrome at Karachi is expected to be completed and by what time the aeroplane service from Egypt to Karachi and the airship service from England to India *via* Egypt is expected to come into operation ?

The Honourable Sir Bhupendra Nath Mitra : (a) The Civil Aerodrome at Karachi is ready for use, and it is anticipated that the ancillary services, for which provision has been made, will be completed by the end of September, 1927.

(b) The Government are not, at present, in a position to say when the aeroplane service, which is now operating between Cairo and Basra, will be extended to Karachi.

(c) No information is available as to when the Airship Service from England to India will come into operation, nor is it likely that the experimental flights in this connection will take place before the end of the year 1928.

### APPOINTMENT OF MR. W. B. STAGGS AS AN OFFICIATING SUPERINTENDENT IN THE HOME DEPARTMENT.

298. \*Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that Mr. T. P. Roy, Superintendent, Home Department, was granted two months' leave with effect from the 17th May, 1927 ?

(b) Is it a fact that Mr. W. B. Staggs of the Imperial Secretariat Service was appointed to officiate as a Superintendent in the Home Department in place of Mr. T. P. Roy ?

(c) What are the qualifications of Mr. T. P. Roy and Mr. W. B. Staggs, respectively ?

(d) If (a) and (b) are facts, will Government please state if no Indian of the requisite qualifications was available in the Home Department, who could officiate for Mr. T. P. Roy during his absence on leave ?

The Honourable Mr. J. Crerar : (a) and (b). Yes.

(c) The qualifications of these officers for appointment as Superintendent are the records of their work in the Department.

(d) Mr. Staggs was the next senior assistant for promotion and fully qualified for the appointment. It might have been possible by ignoring the claims of seniority and merit to fill the appointment otherwise though I should mention that Mr. Staggs is a statutory native of India.

### NUMBER OF WAGONS ORDERED FOR RAILWAYS FROM 1919-20 TO THE 30TH OF SEPTEMBER, 1926.

299. \*Khan Bahadur Sarfaraz Hussain Khan : Will Government please state whether the orders for the wagons during the period 1919-20 to 30th of September, 1926, were placed in India or in England (*vide* supplementary question to starred question No. 129 and its reply) ?

Mr. A. A. L. Parsons : I lay on the table a statement giving the information required.

FIGURES OBTAINED FROM STATEMENTS FURNISHED BY RAILWAYS.

Statement showing place of manufacture of wagon orders placed by B. G. Railways during the years 1919-20 to 1926-27.

(All figures are in terms of 4-wheelers).

Year.					Foreign countries.		India	
					General Service.	Special Service.	General Service.	Special Service.
1919-20	..	..	..	..	3,984	1,604	4,100	21
1920-21	..	..	..	..	4,880	461	1,258	1
1921-22	..	..	..	..	1,436	283	290	69
1922-23	..	..	..	..	5,667	787	333	9
1923-24	..	..	..	..	5,021	1,370	7	16
1924-25	..	..	..	..	4,859	629	2,715	..
1925-26	..	..	..	..	2,655	861	1,185	16
1926-27	..	..	..	..	484	498	3,094	13
Total					28,986	6,493	12,982	145
					35,479		13,127	

Statement showing orders placed by Metre Gauge Railways during the years 1918-19 to 1926-27.

Year.					Foreign countries.		India.	
					General Service.	Special Service.	General Service.	Special Service.
1919-20	..	..	..	..	1,081	279	..	..
1920-21	..	..	..	..	716	22	264	..
1921-22	..	..	..	..	795	66	250	..
1922-23	..	..	..	..	2,524	408	..	..
1923-24	..	..	..	..	874	411	5	..
1924-25	..	..	..	..	1,544	148	..	..
1925-26	..	..	..	..	1,489	217	..	..
1926-27	..	..	..	..	1,368	618	..	..
Total					10,391	2,169	519	..
					12,560		519	

Foreign countries orders	..	..	35,479	+12,560	=48,039	} In terms of 4-wheelers,
Indian orders	..	..	13,127	+519	= 13,646	
Includes 5,000 American wagons					61,685	

## LOCATION OF THE IMPERIAL LIBRARY.

300. \*Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to the question of the location of Imperial Library and the Government reply to starred question No. 143, on the 31st January, 1927, will Government please state if they have arrived at a decision ?

(b) If so, will they please communicate the decision to the House ?

(c) If not, by what time are likely to come to a decision on the subject ?

Mr. A. R. Dalal : (a) No.

(b) Does not arise.

(c) It is not possible to say definitely when a decision will be reached.

## PERIODS OF DETENTION OF THE BENGAL DETENUS UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT.

301. \*Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state if they have now obtained the information regarding the periods of the detention of the Bengal detenues under the Bengal Criminal Law Amendment Act (*vide* the starred question No. 147 on the 31st January, 1927, with supplementary questions and replies) ?

(b) If so, will they please place the information before the House ?

(c) If not, by what time do they expect to obtain the information ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the statement laid on the table by the Honourable Sir Alexander Muddiman on the 21st February last.

## RECOMMENDATIONS OF THE INDIAN SANDHURST COMMITTEE.

302. \*Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government please state what action they propose to take regarding the recommendations made by the Indian Sandhurst Committee ?

(b) Do Government propose to give the House an opportunity to discuss the recommendations ?

Mr. G. M. Young : The Honourable Member is referred to the reply given to starred question No. 109.

## SALE OF PLOTS OF LAND ROUND ABOUT THE MOMBASSA LIGHT-HOUSE.

303. \*Khan Bahadur Sarfaraz Hussain Khan : (a) With regard to the sale of plots of land round about the Mombassa Light-house, will Government please state whether they have received the reply from the Colonial Government on the subject ?

(b) If so, will they please lay the report on the table ?

(c) If not, will they please state by what time they expect to get the reply (*vide* Government reply to supplementary question to starred question No. 65 on the 31st January, 1927) ?

Mr. G. S. Bajpai : (a) The reply given by Mr. Bhore to starred question No. 65 stated that Government were in communication with His

Majesty's Secretary of State for India, not the Colonial Government. This correspondence is still proceeding.

(b) Does not arise.

(c) It is not possible for me to say when this correspondence will be completed.

#### CLAIMS OF INDIANS IN TANGANYIKA AGAINST THE *ex*-GERMAN COLONY.

304. \*Khan Bahadur Sarfaraz Hussain Khan : (a) With regard to the claims of Indians in Tanganyika against the *ex*-German Colony, will Government please state if their inquiries have been completed [*vide* Government reply to starred question No. 64 (b) on 31st January, 1927] ?

(b) If the inquiries have been completed, will they please communicate the results to the House ?

Mr. W. T. M. Wright : (a) and (b). The Honourable Member is referred to the reply given by Mr. L. Graham, to his starred question No. 1401 on the 21st March, 1927, in this Assembly.

It is understood that the settlement of the claims in question is proceeding satisfactorily, but no details of the individual claims and the settlements effected are available.

#### RESULTS OF THE LAST ELECTIONS TO THE LEGISLATIVE ASSEMBLY.

305. \*Khan Bahadur Sarfaraz Hussain Khan : With regard to the results of the last elections to the Legislative Assembly, will Government please state if the information has been collected and placed in the Library (*vide* Government reply to starred questions Nos. 67, 117 and 118 on the 31st January, 1927) ?

The Honourable Mr. J. Crerar : Yes.

#### GRANT OF ASSISTANCE TO SIR MOHAMMAD YOUSUF'S MARINE SCHOOL AT NOVA ISLAND, BOMBAY.

306. \*Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that the Indian Marine Committee of Inquiry spoke of Sir Mohammad Yousuf's Marine School at Nova Island, Bombay, in very high terms and that the question of giving it some kind of help is being considered by the Bombay Government ?

(b) If so, will Government please inquire and inform this House if the Bombay Government have arrived at any decision in the matter ?

The Honourable Sir George Rainy : The Indian Mercantile Marine Committee observed in their report that Sir Mohammad Yousuf's School is a good example of primary nautical schools. The question of the future management of the school and vesting it in a local Board of Governors was considered by the Government of Bombay in consultation with Sir Mohammad Yousuf, but had to be dropped as certain proposals made by Sir Mohammad Yousuf in this connection could not be accepted by the Local Government.



## HAJ COMMITTEES.

307. \***Khan Bahadur Sarfaraz Hussain Khan** : (a) Will the Government be pleased to state if Haj Committees exist in all the provinces of British India ?

(b) If not, will they please state in which provinces they exist and in which they do not ?

**Mr. G. S. Bajpai** : (a) and (b). So far as the Government of India are aware there are Haj Committees in Bombay, Bengal, Bihar and Orissa, the United Provinces, the Central Provinces and Assam

## MOSQUE IN THE PILGRIMS CAMP, KARACHI.

308. \***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state if they will have an inquiry made from the Protector of Pilgrims, whether there is any mosque within the premises of the Pilgrims' Camp, Karachi, and whether there is a real need of a mosque for the use of the pilgrims there ?

**Mr. G. S. Bajpai** : A mosque has been built in the Pilgrim Camp this year.

## REBATES ON STEAMER PASSAGES SECURED FOR GOVERNMENT OFFICIALS.

309. \***Khan Bahadur Sarfaraz Hussain Khan** : Do Government receive any rebate on account of the passages they secure for Government officials (*vide* Government reply to supplementary question to starred question No. 114 on 31st January, 1927) *re* Government action against rise in P. and O. passenger fares ?

**The Honourable Sir Basil Blackett** : I would refer the Honourable Member to my reply to Mr. Sheepshanks' question No. 69 (q) on the 19th August. 1926.

## EXPENDITURE IN CONNECTION WITH INDIAN REPRESENTATIVES TO THE LAST IMPERIAL CONFERENCE.

310. \***Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state the expenses incurred in connexion with India's representatives to the last Imperial Conference and the names of the gentlemen who represented India ?

**The Honourable Mr. J. Crerar** : The expenditure incurred by the Government of India in connection with the last Imperial Conference was approximately Rs. 16,000. The representatives of India at this Conference were (1) the Secretary of State for India, (2) the Maharajadhiraj Bhadur of Burdwan, and (3) Sir D. T. Chadwick.

## MIGRATION OF THE FAMILIES OF MOPLAH CONVICTS TO THE ANDAMAN ISLANDS.

311. \***Khan Bahadur Sarfaraz Hussain Khan** : (a) Will Government please state the number of Moplah convicts deported to the Andaman Islands ?

(b) Have Government issued any orders or instructions regarding the migration of the families of the convicts to the Islands ?

**The Honourable Mr. J. Crerar :** (a) 1,389 up to the 31st July, 1927.

(b) I would invite the Honourable Member's attention to paragraph 10 (iv) of the Government of India, Home Department Resolution No. F-188/24-Jails, dated the 4th October, 1926.

**REFUSAL OF PASSPORTS TO THE PROPOSED MEDICAL MISSION TO CHINA.**

312. **\*Mr. Gaya Prasad Singh :** Will Government kindly state if and why they have refused the necessary passports to the proposed Medical Mission to China ?

**The Honourable Mr. J. Crerar :** The Government of India after carefully considering the matter in consultation with His Majesty's Government found themselves unable to grant passports to the proposed Medical Mission to China. The reasons for this decision were communicated fully to the President of the All-India Volunteer Board in a letter, which has been published in the Press.

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**ELECTION OF MEMBERS TO THE PANELS FOR THE STANDING COMMITTEES TO ADVISE ON SUBJECTS IN THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF INDUSTRIES AND LABOUR.**

**Mr. President :** I have to inform the Assembly that the number of candidates nominated for election to the panels for the Standing Committees to advise on subjects in the Department of Commerce and the Department of Industries and Labour is equal to the number required and therefore I announce that the following Members are declared to be duly elected :

*Department of Commerce.*

Mr. Ismail Khan.

Mr. Mukhtar Singh.

Maulvi Abdul Matin Chaudhury.

Mr. B. Das.

Mr. W. Alexander.

Mr. H. G. Cocke.

Haji Abdoola Haroon.

Mr. W. M. P. Ghulam Kadir Khan Dakhan.

Mr. D. K. Lahiri Chaudhury.

*Department of Industries and Labour.*

Maulvi Abdul Matin Chaudhury.

Mr. N. M. Joshi.

Dr. B. S. Moonje.

Sir Hari Singh Gour.

Mr. W. S. Lamb.

Rao Bahadur M. C. Rajah.

Mr. K. Ahmed.

Khon Bahadur Haji Abdullah Haji Kasim.

Mr. Abdul Qadir Siddiqi.

## PETITIONS RELATING TO THE CHILDREN'S PROTECTION BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that 72 petitions signed by 6,608 persons have been received relating to the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, which was introduced in the Legislative Assembly on the 28th March, 1927.

## THE INDIAN TARIFF (AMENDMENT) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I beg to move that the Bill further to amend the Indian Tariff Act, 1894, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. W. Stonehouse Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. C. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, M. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar, and the Mover ; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five and that the Committee be instructed to report on or before the 31st August, 1927.

This Bill, Mr. President, is the second of the two Bills to amend the Indian Tariff Act which are connected with the cotton textile industry. In these circumstances I thought it might be convenient if the membership of the Select Committee in this case was identical with the membership of the Select Committee which has already been appointed by this House to consider the Bill to amend the Indian Tariff Act for the purpose of safeguarding the manufacture of cotton yarn in India. The names of the members which I have read out are, therefore, identical with the names of the Members appointed to the other Committee.

The primary object of this Bill, Mr. President, is to assist the cotton textile industry in the difficulties which it has at present to encounter by the removal or the reduction of customs duties. That is its primary object. At the same time it must also be regarded as an instalment of what is an essential part of the fiscal policy of the Government of India. This method of assisting industries by means of reducing or removing customs duties was considered by the Fiscal Commission and they refer to it in two or three places in their Report. As regards machinery they remarked that for the development of industries in general the free import of machinery was evidently desirable. They recognised that it might sometimes be desirable to encourage the manufacture of machinery in India, but they were of opinion that such encouragement should not as a rule be given by import duties. As regards raw materials, they said that the raw materials required for Indian industries should ordinarily be admitted free of duty. There might be instances in which it would be found necessary to protect by import duties the production of certain raw materials, but such cases should be comparatively rare seeing that raw materials are in general bulky in proportion to their value. The statements of the Fiscal Commission, which I have read, are accepted by the Government of India, and therefore the pro-

posals contained in this Bill, though directly and primarily intended to assist the cotton textile industry, are, as I have said, also an instalment of the policy which is the declared policy of the Government of India.

The Tariff Board, which enquired into the condition of the cotton textile industry, made the proposals on which this Bill is based. The Government of India, however, were not able to accept them precisely in the form in which they had been put forward. Honourable Members who have examined the Report will remember the Tariff Board gave two lists of mill stores. Those in the first list they proposed should be completely exempted from duty, while as regards the stores in the second list they proposed that the cotton mills should, if they imported them direct, be allowed to import them free of duty, while if they purchased them from stockists, they should subsequently receive a refund of the duty they have paid. As regards the first list, there is no particular difficulty. Of the articles enumerated in that list, which are dutiable at 15 per cent., all except one, I think, is included in the Bill which is before the House. But as regards the second list, the Government of India were unable to accept the recommendation of the Board in the precise form in which it was made. What the Board proposed was to revive an old arrangement which had been in force from 1896 to 1921 as regards the purchase of stores, and from 1916 to 1921 as regards the machinery purchased by the cotton mills. This arrangement was abolished in 1921 when the import duty on piece-goods was raised to 11 per cent. while the excise duty remained at  $3\frac{1}{2}$  per cent. Now there are certain minor difficulties about this arrangement. It is always a little difficult when special concessions of this kind are given—administrative difficulties of various kinds must occur, and probably if the arrangement had been revived it would have been necessary to employ a special staff. Also in view of the fact that some stores are made in India, precautions would have had to be taken to prevent the payment of a refund of the duty upon stores which had not been imported and which consequently could not have paid any import duty. These difficulties, however, would not necessarily have been decisive. The real difficulty was this. On what ground would it be possible for Government to discriminate between industry and industry and to prescribe that one industry should import free the materials and the machinery on which other industries had to pay duty? As long as the cotton excise duty was in existence there was a definite reason for differentiating in favour of the cotton textile industry in this matter, because that industry was subject to a disadvantage from which other industries were free. The special arrangement about the importation of stores was definitely a set-off to the excise duty. But now that the excise duty has been removed, that reason for a special concession no longer exist, and the Government of India could not find any valid grounds on which they could agree to differential treatment in favour of one industry which did not extend to all industries. At the same time they were impressed by the desirability of going as far as they could in the direction recommended by the Board in order to assist the cotton textile industry, and the view they took was this—that, although it was not legitimate to make a special concession to one industry which was denied to others, it was perfectly legitimate in giving effect to their declared policy of assisting all industries by the reduction or the removal of the duty on machinery and materials, to

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give precedence to those articles which were used chiefly in industries passing through a period of depression. They thought that on that basis a satisfactory solution could be arrived at, and it was on that basis that they examined the list of articles which the Tariff Board desired to be freed from duty. As I have already said, there was only one omission in list 1, but in list 2 there were several omissions. The first and most obvious test which was applied was whether the cotton textile industry was the principal consumer of the article concerned. It was obvious, I think, that when Government is sacrificing revenue and when the object of the sacrifice is to benefit a particular industry, it was necessary to see whether the benefit to the industry would be commensurate with the sacrifice of revenue. If we had to sacrifice 10 lakhs of revenue and the benefit to the cotton industry was only 1 lakh, that would obviously be a very weak case. I do not propose, it would obviously take much too much time to go through the list in detail, but I should like to give one concrete example which will illustrate the reasons why certain exclusions were made from the list. The first example I shall take is soda ash. An examination of the import figure showed that 58 per cent. of the imports occurred in Bengal and only 15 per cent. in Bombay.

In view of the concentration of cotton mills on the western side of India and also owing to the fact that a good many mills that are not exactly on the western side of India draw their supplies from Bombay, the fact that only 15 per cent. of the imports came to Bombay made it perfectly clear that the cotton textile industry was not the principal consumer. The sacrifice of revenue was over 7 lakhs and it did not seem probable that the benefit to the cotton mill industry would exceed a lakh or a lakh and a half.

Another instance that might be quoted is lubricating oil which quite clearly must be used by every industry in India and is also used by railways and motor cars : indeed it would be impossible to give an exhaustive enumeration of its users. That was a case again where the Government of India considered that the benefit would not be commensurate with the sacrifice. On the other hand the most important item in the whole list of the stores which we proposed to exempt from duty is the coal tar dyes. In that case Bombay takes 75 per cent. of the imports and I think from all the calculations I have been able to make, that in all probability three-fourths of the loss of revenue which is Rs. 25 lakhs, ought to accrue directly to the benefit of the cotton textile industry. I regard this particular proposal to remove the duty on coal tar dyes as of great importance. Last year, in 1926-27, the exports of piece-goods from India amounted to 197 million yards and of this quantity, 175 million yards were dyed and coloured goods. Obviously, if the cotton mills are relieved of the burden of the payment of duty on the dyes they use, that ought to be of material assistance to them in developing their export trade.

Another reason which influenced Government in excluding certain items is one which applies specially to the various chemicals from which the Tariff Board proposed to remove the import duty, namely, the question of protection. A representation was put in two or three years ago

on behalf of the chemical industry asking for the protection of the manufacture of chemicals. It has not yet been found possible to refer that matter to the Tariff Board and so long as it is pending it was considered that it would not be right to prejudice the position by removing the duties. There are several chemicals in the list—soda ash, caustic soda, epsom salts, zinc chloride, and magnesium chloride. Out of these five, only one finds a place in the Bill, namely, magnesium chloride, and it was retained on the ground that the circumstances connected with that particular chemical had already been examined by the Tariff Board who had recommended that protection should not be given. There were also certain minor reasons for excluding particular items, but with these I will not weary the House ; they are rather matters for the Select Committee.

As regards machinery, we start from the general principle that, in the interests of industry, machinery should be free from duty. But I should like to make it quite plain that that does not in any way rule out particular proposals either for encouraging the manufacture of particular kinds of machinery by means of an import duty, if that is the best way of doing it ; nor does it rule out proposals which may be necessary from time to time to remove a positive handicap on the manufacture of machinery. The case I am thinking of is this, where a particular kind of machinery is made in India and is not considered to require protection in the full sense, but a good case might sometimes be made out for what we call equality of tariff treatment, that is to say, the manufacture of the machinery should not be worse off than if there were no duty at all. It may happen at present ; it will still be so if the Bill is carried into law, that he may have to pay duty on the materials he uses, though there is no duty on the finished articles he makes. I should like to make it plain that proposals of that kind are not ruled out. There are two or three cases. I think, pending with the Tariff Board at present and they will no doubt make suitable recommendations stating what they consider the proper action to be taken. I emphasise this point because clearly it would not be right to ask this House to approve the general principle of the exemption of machinery from duty, unless that affirmation is properly qualified by the admission that there are circumstances in which it may be necessary to impose a duty on machinery either for protective purposes or in order to secure equality of tariff treatment.

I think in the Resolution in which the decision of Government to remove the duty on certain stores and machinery was announced, it was stated that the sacrifice of revenue was likely to amount to Rs. 85 lakhs in a full year. There have been certain minor changes since then, but the net result remains very much the same and I do not think there is any material alteration in the total figure. As nearly as I can calculate, it seems probable that the benefit to the cotton textile industry may be expected to amount to about Rs. 42½ lakhs, that is, approximately half the sacrifice of revenue. In the case of the materials, as distinct from the machinery, about three-fourths of the sacrifice of revenue goes to the benefit of the textile industry. In the case of machinery the proportion is a good deal lower—I think not more than about one-fourth. That of course raised the question whether it was possible to discriminate between one kind of machinery and another and limit the concession, as far as possible, to the machinery used for the cotton textile industry. It was found, however, that this was not practicable. First of all, there is the

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objection in principle that it is very difficult to justify a proposal by which one industry is not to pay duty on its machinery while other industries do so. The other difficulty is a practical difficulty. The present definition of machinery in the Tariff Schedule is a general definition and without a prolonged inquiry it would have been impossible to specify sufficiently exactly for the guidance of customs officers the particular kinds of machinery from which it was proposed to remove the duty. For this reason it was decided that the removal of the duty must operate generally and that if the Tariff Board came forward with proposals for securing protection or equality of tariff treatment to particular kinds of machinery these must be considered subsequently.

Before I sit down, Mr. President, I should like to say something about one particular proposal, namely, the proposal to reduce the duty on artificial silk yarn 15 per cent. to  $7\frac{1}{2}$  per cent. During the course of the debate on Monday certain questions were asked and certain requests for information made. I should like to deal very briefly with them. One Member I think asked me where the suggestion to reduce the duty on artificial yarn originated. The answer, Mr. President, is that it originated with the Bombay Chamber of Commerce some 15 or 16 months ago, I think. When I was in Bombay in April, I discussed the proposal with the Committee of the Bombay Millowners' Association and found that they were entirely in favour of it. Another question that was put was where this artificial silk yarn was likely to come from. It appears from the figures that I have obtained that at present the bulk of the artificial silk yarn imported comes from Italy. Amongst the various countries, the United Kingdom comes after Italy, but supplies a much smaller quantity. In 1926-27 nearly four million pounds came from Italy and only about 650,000 pounds came from the United Kingdom. On the other hand, the piece-goods made from artificial silk and cotton mixed came mostly from the United Kingdom, in fact she was the largest supplier sending nearly 16 million yards, while Italy sent nearly 14 million yards. Now, the effect of the reduction of the duty will be to make it more possible for the handloom weavers and the cotton mills in India to manufacture these piece-goods made from artificial silk and cotton and to sell them in competition with what comes from abroad. The branch of the trade which is likely to benefit is the importation of yarn, and the great bulk of that trade is at present in the hands of Italy. On the other hand, the trade which to a certain extent may be reduced is the importation of piece-goods, of which the principal supplier at present is the United Kingdom, and I think these facts ought to be sufficient to dispel any suspicions on the part of the Honourable Member who asked for this information as to any sinister motive behind the Government proposal.

The figures may not be familiar to all the Members of the House, and I should like very briefly to give one or two in order to show the very rapid expansion in the trade in artificial silk yarn. In 1921-22 the quantity of such yarn imported was only 71,000 pounds, and in 1926-27 it had increased to  $5\frac{3}{4}$  million pounds. During the same period the average value per pound had fallen from about Rs.  $6\frac{1}{2}$  to Rs.  $1\frac{3}{4}$ . I think one Member in the course of the discussion expressed apprehension lest the reduction of this duty might interfere with the silk industry in India. Perhaps the

name "artificial" silk is an unfortunate name, because it is apt to suggest ideas which are not really in accordance with the facts. Artificial silk yarn, when it was first introduced, was undoubtedly very expensive—it was almost as expensive as real silk and the two were regarded as comparable, and I believe on its first introduction it did affect the sale of silk yarn; but since then the circumstances have completely changed. According to the trade returns in 1926-27, the average value of the real silk yarn which was imported was Rs.  $5\frac{1}{4}$  a pound, whereas the average value of the artificial silk yarn was Rs.  $1\frac{3}{4}$  per pound. In these circumstances, it is quite obvious that when the price of artificial silk yarn is comparable to the price of cotton yarn, a reduction of  $7\frac{1}{2}$  per cent. in the duty will make no appreciable difference, because the present price of artificial silk yarn is only about one-third of the price of silk yarn. In these circumstances, if it is going to displace silk, it will do so in any case.

I will not weary the House, Mr. President, by dilating on the matter further, but I think I had better make one point plain before I sit down, and it is this, that in asking the House to refer this Bill to the Select Committee, we undoubtedly ask them to affirm the general principle that machinery and the materials of industry should, as far as possible, be free from duty. But we do so subject to the reservations I have already indicated that for particular classes of machinery or for particular materials, it may be in the interests of the country that they should be subject to an import duty. Also I do not ask the House to pronounce finally upon any one item amongst the various proposals included in the Bill. It would obviously be unreasonable to do that. The question of particular items must clearly be left to the Select Committee.

Sir, I move the motion that stands in my name.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I find myself in a difficult position in dealing with this motion. I do not wish to oppose the reference of the Bill to the Select Committee, and yet I feel that I am asked to agree to this proposal under circumstances which are somewhat unfair to us, Members of the House, in that we are not given an opportunity to discuss the proposals of the Tariff Board as a whole before being called upon to support the particular course, the Government have decided to adopt.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Maulvi Muhammad Yakub.)

This question, Sir, of affording protection to industries is a very important one. It either implies the imposition of a burden upon the consumer or it involves the sacrifice of revenue to Government. In either case, it is a matter of serious concern to the Assembly, and I submit that when the Government received the Report of the Tariff Board, the proper procedure would have been for them to bring the recommendations of the Tariff Board before this House or to give this House an opportunity to discuss those proposals, and after hearing the views of this House on those proposals to decide what particular proposals to adopt for legislation. Particularly, so, I submit, should this be the course of action when the Government do not accept the proposals of the Tariff Board, as a whole, as they have not accepted them in the matter of the tax on yarn and cloth. On another occasion, namely, the occasion of the Steel Protection Bill, Government agreed to widen the scope of the Bill and gave the House an opportunity to put in amendments which were not strictly within the limits of the Bill. When the Bill to



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safeguard the manufacture of yarn came up, the Honourable Member for Commerce did not think it fit to agree to such a widening of the scope of the discussion. I do not plead for it so far as the particular measure before us is concerned. But the Honourable Member will recognise, and the House will recognise, that this Assembly is put in a rather awkward position. The Tariff Board discussed the question of how the cotton textile industry should be helped. They suggested certain methods. Government rejected their proposals and decided upon a course of their own. They have now introduced the present Bill in which they have adopted the recommendations of the Tariff Board. I submit that if the Government had done the Tariff Board and this Assembly the courtesy of putting their whole proposals before the Assembly and of allowing the House to express its opinion on them, probably the Honourable Member for Commerce would have carried the House with him to a greater extent than I fear he is able to do at present. I submit, for the consideration of the Government and of the Honourable Member for Commerce whether it is not on the whole better for the Government and for the Tariff Board and for this Assembly that the recommendations of the Tariff Board, particularly when the Government do not accept them, should be laid before this Assembly in order that the Assembly may express its opinion on the various recommendations and thereby enable the Government to adopt a measure which may be likely to receive more support from public opinion as represented in this House than perhaps a measure introduced in the present manner, though no doubt decided upon with due care and deliberation by Government. With these observations I resume my seat. As I have said, I do not wish to oppose the reference to the Select Committee, but I hope the Government will consider the point I have raised.

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I feel thankful to the Honourable the Mover of this Bill for having given the House the information which I sought the other day. Sir, though he would ask me to dispel my illusions or my doubts or my suspicions regarding what underlay my question to him, I submit it does somewhat dispel my suspicion, no doubt ; but it does not remove the room for closer scrutiny of what I intended to bring to the consideration of the House. The other day, Sir, I was emphasising that nothing should be done under the Tariff Bill to injure or inconvenience the handloom industry. That industry in India is playing a very important part according to the finding of the Tariff Board. In 1925-26 the handloom industry produced 20 per cent. of the total cloth consumed in India. My business now is to invite the attention of the House and of the Members of the Select Committee to pay particular attention and see that in the Schedule to the present Bill things are brought in, which might facilitate the handloom industry by way of cheaply getting the materials for the handloom or the machinery that may be necessary. In fact, being a layman, I am not able to say from the Schedule attached to the Bill what machinery or materials might facilitate the handloom industry. I take it, Sir, however, that No. 18-B. would comprise a few of the articles which might be of help to the handloom industry. I would particularly request the Select Committee to canvass this matter more closely, and enlarge the list of articles, if need be, by facilitating the introduction of machinery or materials which might tend to make the

handloom industry improve ; and also to restrict or eliminate such article from the list, as we see in the Schedule, which might even indirectly have the remote effect of adversely affecting the handloom industry.

**The Honourable Sir George Rainy :** I propose, Mr. President, to reply very briefly. I listened, and I am sure every Member of the House must have listened, to the speech that was made by the Honourable Pandit in which he endeavoured—and it is hard not to be moved by the kindly tone of his voice and the obvious desire to win one's heart—to induce me, Mr. President, to agree to go back on the attitude of the Government as I explained it on Monday last. He said that it was not reasonable to ask the House to approve of these particular proposals which are contained in the Bill which we are now considering before the House had had an opportunity of considering the Tariff Board's proposals as a whole. Indeed he suggested that in the case of all Tariff reports the common procedure should be that before Government came to any final conclusions, they should take the Assembly into their confidence, have the whole thing discussed here and then, after that, make up their mind. Well, that would be rather a drastic revolution in the constitutional principles upon which we have hitherto proceeded as regards these matters. I think the correct constitutional principle is that the Executive Government must first make up its own mind what it proposes to do and subsequently place its proposals before the Legislature for its assent. Apart from that, there would be great practical difficulties in accepting the procedure proposed by the Honourable Pandit. One practical difficulty would be that if before Government came to its final conclusion it had to make all the proposals public in the Legislature, it might directly defeat the object that protection was intended because of the delay that would elapse before the first publication of the intention of the proposal to protect and the final decision actually to give protection and the passage into law of the Bills to give effect to it. That would be an obvious practical difficulty. Apart from that, the constitutional difficulty still remains and it is to my mind a very serious one. I do not think the Government of India could possibly put themselves in the position of divesting themselves of the responsibility of making up their own mind as to the proper course of action and then submitting it to the Legislature. As the Honourable Pandit has quoted the steel case I should like to point out that the circumstances are not similar. In the case of the Steel Industry (Protection) Bill there was general agreement in almost every quarter of the House that the protection to the steel industry ought to be continued, and in those circumstances Sir Charles Innes asked the House merely to affirm that much and to leave everything else to the Assembly. But in this case there is no such general agreement. As regards protection to cotton piece-goods general agreement does not exist, and in these circumstances it is impossible for the Government of India to leave the whole thing open after they have had the matter under their consideration for more than six months and have reviewed their original decisions. It is no longer possible for the Government of India to say that they have an open mind on the whole question. They have taken up their stand and to the decisions they have announced it will be necessary for them to adhere. In these circumstances, Mr. Deputy President, I fear it is impossible for me to yield to the persuasion of the Honourable Pandit, but I would like, if I may, to thank him for the very kindly and reasonable

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manner in which he put his request. He put it so nicely that it really annoys me to have to say no.

As regards the Honourable Member who has just sat down, I would like to draw attention to one item in the Schedule attached to the Bill. If he will look at item 8 in the Schedule, the first sub-item is 18-A. Under 18-A he will find, "fire or other power, not being manual or animal labour", but if he will look at item 18-B. he will find "The following textile machinery and apparatus by whatever power operated..." A very large number of the items in that list are such as are used in hand-looms. Therefore the Bill does include definitely a number of items from which duty is being removed and the removal of that duty would directly benefit the handloom industry.

**Mr. M. S. Aney** (Berar Representative) : I move that the names of Mr. Sesha Ayyangar and Mr. Mukhtar Singh be added to the Select Committee.

**Mr. Deputy President** : The motion before the House is that the names of Mr. M. S. Sesha Ayyangar and Mr. Mukhtar Singh be added to the Select Committee.

**The Honourable Sir Basil Blackett** (Leader of the House) : May I point out that this Committee is the same in composition as the Committee that was set up to examine the duty on yarn and it will be inconvenient to have different Members on the two Committees, the essential points for discussion being the same. In these circumstances I would suggest that this motion be not pressed.

**Mr. M. S. Aney** : I do not think there is any point in the contention that the Committee should be identical. and the addition of two names is not going to make them more inconvenient. I do not therefore see the force of the opposition of the Honourable the Leader of the House.

(At this stage Mr. Deputy President vacated the Chair which was resumed by Mr. President.)

**Mr. President** : The Honourable Member from Berar has, I understand, proposed two more names to the list and the Leader of the House has opposed the proposal.

The question that I have to put is :

"That the names of Mr. M. S. Sesha Ayyangar and Mr. Mukhtar Singh be added to the list of the Select Committee."

The motion was negatived.

**Mr. President** : The question then is :

"That the Bill further to amend the Indian Tariff Act, 1894, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Mr. R. K. Shanmukham Chetty, Sir Victor Sassoon, Sir Purshotamdas Thakurdas, Mr. W. Stenhouse Lamb, Dr. A. Suhrawardy, Diwan Chaman Lall, Mr. N. M. Joshi, Raja Ghazanfar Ali Khan, Mr. C. Duraiswamy Aiyangar, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Pandit Hirday Nath Kunzru, Munshi Iswar Saran, Mr. M. R. Jayakar, and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be 5 and that the Committee be instructed to report on or before the 31st August, 1927."

The motion was adopted.

## THE CRIMINAL LAW AMENDMENT BILL.

**The Honourable Mr. J. Crerar** (Home Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose.

I do not propose at this stage, until Honourable Members have had an opportunity of reading at leisure the provisions of the Bill, to speak in any detail. I will only say this, that I hope, and confidently hope, that Honourable Members of this House will unanimously agree that this is an opportune and a desirable measure.

The motion was adopted.

**The Honourable Mr. J. Crerar** : Sir, I introduce the Bill.

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## THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I rise to move that the Bill to amend the law relating to the fostering and development of the Bamboo Paper Industry in British India, be referred to a Select Committee consisting of Mr. Arthur Moore, Mr. N. C. Kelkar, Mr. K. C. Roy, Mr. K. C. Neogy, Mr. A. H. Ghuznavi, Mr. T. Prakasam, Pandit Nilakantha Das and the Mover ; and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee be 3 and that the Committee be instructed to report on or before the 31st August, 1927.

I said, Mr. President, when I introduced this Bill, that it dealt with three separate points. I will endeavour to make my more detailed explanation to-day as brief as I can. I should like to go back to the original enquiry into the paper industry that was conducted by the Tariff Board in 1924-25. Very early in that enquiry it became evident that some of the paper imported into India competed with Indian paper, some of it did not, and some of it was on the border line and it was difficult to say whether it did compete or not. At the beginning of the enquiry, the paper manufacturers asked for a protective duty upon "newsprint", that is to say, the kind of paper on which newspapers are commonly printed, and from the first there was strong opposition both from the importers and from the newspapers. What was said was that the mills in India could not, in fact, make paper which would compete in quality and price with the imported "newsprint". The paper made in the Indian mills was too expensive to compete, and therefore, however high the duty might be, they never would be able to supply the needs of the newspapers in a satisfactory manner. The reason why "newsprint" can be imported into India cheaply is because it contains a high percentage of what is called mechanical wood-pulp. Much the greater part of the world's paper is made from wood fibre, but part of the paper is made from what is known as chemical pulp. If you want a strong and satisfactory and durable paper, you have to use chemical pulp, because in the process of manufacture it is by means of the application of chemicals that the various substances are removed, which would be of no use to the paper and indeed would injure it. But when a cheap paper is required, it is not necessary to use exclusively chemical pulp and cheap paper contains a high percentage of what is called mechanical pulp which is produced by a grinding process. Paper of that kind does not last very long. It is not durable and it is a very weak paper.

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It is very easy to tear it. It is used chiefly for newspapers which are essentially ephemeral productions. The fact that it is not very strong and is not very durable does not matter.

The result of these early discussions at the beginning of the Tariff Board inquiry was that eventually the paper manufacturers withdrew their application. They said that they would not ask the Tariff Board to recommend that a protective duty should be put on imported "newsprint". But there was never any question at all from the beginning to the end of the inquiry that the paper which contained no mechanical pulp—which is a much more expensive paper—there was no question at all that it did compete directly with the paper made in the Indian mills, and having taken part in that inquiry I can say that, from beginning to end, that point was never in dispute. If a paper contained no mechanical pulp at all, then it was a paper which competed with the paper made by the Indian mills and it ought to be subject to the protective duty. Well, it was believed when the Bamboo Paper Industry (Protection) Act was passed into law that the Act had been so drafted that paper containing no mechanical wood pulp would be subject to the protective duty. But some months ago the paper importers—or particular paper importing firms—put in a representation to the effect that, as the Act was worded, if a paper contained even 1 per cent. of mechanical wood pulp it was subject to the protective duty, but if it contained no mechanical wood pulp at all, then it was not subject to the protective duty but only to the revenue duty. Legal opinion was taken by the Government of India on this question and the opinion given was that the paper importers were right—that as the Act was actually worded there could be no question that paper which contained no mechanical wood pulp was not subject to the protective duty. The exact wording of the entry in the Tariff Schedule, I think, is "printing paper, all sorts, containing less than 65 per cent. mechanical wood pulp." It was held by lawyers that if it did not contain any pulp at all, then it did not contain less than 65 per cent. To a mathematical mind that sort of argument is difficult, but I have no doubt that the opinion we received was the correct opinion and the only possible opinion from the legal point of view. That was the situation with which the Government had to deal and they came quite clearly to their decision. In the first place we had to administer the law as it stood. We could not go behind the wording of the Act to the original intention. That would not have been permissible. We had to carry out the law as it stood. But the second part of the Government decision was this—that we could not possibly let that state of affairs continue. Legislation at the first opportunity would be necessary because what it meant was that the keystone of the protective arch having been removed the whole structure was in danger of collapse. The great bulk of the paper which was most likely to compete with the Indian mill paper was going to be admitted to the country, subject only to the revenue duty. Therefore, on the 1st of July last, the Government of India published a communiqué to the effect that they intended to legislate at the first opportunity, and also that they would legislate so as to give retrospective effect to the new provision which correctly declares the intention of the Legislature. That was necessary because otherwise even during the three or four months that might elapse before it was possible to amend the law, considerable damage might be done to the paper industry in India. I

should like to explain here that the Government of India would ordinarily be very averse, and I think the Legislature would take the same view, to giving retrospective effect to a fiscal measure of this kind. That is a step which can be justified only in entirely exceptional circumstances. But in this case I do think the circumstances are exceptional, because it means that if retrospective effect is not given, then a real injury will be inflicted on the industry and the policy deliberately adopted by the Legislature will not receive full effect.

I will turn now to the second point which is dealt with in this Bill. According to the provision in the Act the line between the paper which is subject to the protective duty and the paper which is not so subject is drawn at 65 per cent. of mechanical wood pulp. If it contains less than 65 per cent. the paper is subject to the protective duty. If it contains not less than 65 per cent. it is subject only to the revenue duty. Soon after the passing of the Act the question was raised whether this percentage, this 65 per cent., was to be calculated on the total weight of the paper or only on its fibre content. I may explain that printing paper, in addition to the wood fibre or grass fibre or bamboo fibre, or whatever it may be, which essentially is the paper, also contains what is known as loading or sizing which is necessary to give the paper a proper surface. China clay is very largely used for the purpose, and in extreme cases, the loading may be as much as 20 per cent. of the weight of the paper. Now, it makes a good deal of difference whether you calculate the percentage on the total weight of paper or only on the weight of fibre. Let us take as an illustrative case, a paper in which the loading amounts to as much as 15 per cent. of the total weight. Now, suppose mechanical wood pulp is 70 per cent. of the fibre content. In that case it would be less than 60 per cent. of the total weight, and therefore, the method by which you calculate the percentage will determine, in the case I have given, whether it is to be subject to the protective duty or not. Naturally in these circumstances the paper manufacturers said the percentage ought to be calculated on total weight because that brought more imported paper under the protective duty ; and equally naturally the importers contended that it ought to be calculated on the fibre content only. When this question first came before the Central Board of Revenue they issued a ruling that the percentage should be calculated on the fibre content, basing themselves on what they believed to be the intention of the Tariff Board and on the practice of the trade so far as it could be ascertained. However, the question came up again at the end of 1926 and on this occasion it was thought necessary to take legal advice. Here again the legal opinion took us rather by surprise. The opinion given was that, as the entry in the Tariff Schedule was worded, there was no alternative but to calculate the percentage on the total weight ; and accordingly the Government of India issued a fresh ruling giving effect to the legal advice we had received. In this case also it is quite clear the first thing the Government of India had to do was to administer the law as it stood. I think the matter was raised during a discussion possibly in March or the end of February last ; I think it was Colonel Crawford who raised a question in this House and that Sir Charles Innes promised that the matter would be looked into, and that, if necessary, legislation would be undertaken. When the question was examined it was found that there was a difficulty in determining what the intention of the Legislature on this point really had been when it passed the Bamboo

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Paper Industry (Protection) Act. I was myself a member of the Tariff Board that inquired into that case, and in these circumstances I had my own views, but it was not clear that it could be demonstrated, so as to convince everybody, what the intention had been. In these circumstances it was thought advisable to refer the matter to the present Tariff Board and to ask them to make an inquiry, to take evidence from both sides and make recommendations. The Board's Report has been received and copies are in the hands of Members of the House. I will try to indicate what their view is and the reasons which have led them to it. They point out that this new ruling by which the percentage is calculated on the total weight of the paper has given rise to considerable diversity of practice in the different Customs Houses, and that of course is very undesirable. It has also made it necessary to analyse a large number of samples of imported paper in order to determine whether they do, or do not, contain less than 65 per cent. of mechanical wood pulp. Now it is not an easy matter to analyse paper accurately and that is a point which in the original inquiry was constantly pressed on the Tariff Board. They drew attention to these difficulties created by the new ruling, but rightly, I think, they do not attempt to lay too great a stress on it. Probably, in the course of time most of them could be overcome, and the procedure of the trade would be brought into conformity with the law as it is now interpreted. But they have definitely recommended that the law should be amended so that it may be made quite clear that the percentage ought to be calculated on the fibre content only and not on the total weight of paper as it is at present. The reasons why they have arrived at that recommendation deserve to be stated clearly. I should like to call the attention of the House, if I may, to a certain passage in the original Report of the Tariff Board submitted in 1925, and I will read it if I may :

'With a few exceptions,'

it was said :

"the important Indian newspapers are printed in 'newsprint', a kind of paper which contains about 70 per cent. of mechanical wood pulp. \* \* \* During the oral examination of the manufacturers at Simla we drew their attention pointedly to the strong objections which could be urged to the imposition of a protective duty on newsprint, and asked them to reconsider the matter. As a result, they informed us on the 30th of August, 1924, of their willingness that mechanical 'newsprint' should be exempted from an increase over its present duty, 'at any rate until such time as we can see what effect such differentiating may have on the paper trade generally'."

They suggested that the examination should extend to all paper containing more than a certain percentage (to be fixed by the Board) of mechanical wood pulp. Then the Report goes on :

"We have no doubt that the manufacturers were well advised in abandoning what was clearly an untenable claim. An increase of 10 per cent. in the duty on 'newsprint' would have been nugatory in its effect, for it would have failed to divert the trade to the Indian mills. Newspapers are ephemeral things, they do not require a strong and durable paper, and cheapness must be for them the primary consideration. It is impossible for the Indian mills using Indian materials to manufacture at a cost which would enable them to compete with imported 'newsprint'."

Now I think it will be quite clear from this passage that the Board's intention was to exclude from the scope of the protective duty the "newsprint" commonly imported into India. There is a second passage I should like to quote :

"We discussed with the representatives of important newspapers, with the manufacturers and with the Controller of Printing, Stationery and Stamps the question how



'newsprint' should be defined for tariff purposes. The information given by the newspapers shows that the 'newsprint' commonly imported contains about 70 per cent. of mechanical wood pulp and if paper containing this percentage remains subject to the existing duty, the newspapers will not be prejudiced. We enquired from the Controller whether, by chemical or other tests, the proportion of mechanical wood pulp contained in a given sample of paper could be ascertained accurately, and he said he was doubtful whether it could be done. We think it should be possible, however, to determine the proportion with an error not exceeding 5 per cent., and if the tests at present used in the Controller's Office are insufficient, more exact methods of estimating may be known in other countries. Our proposal is that all papers containing not less than 65 per cent. of mechanical wood pulp should remain subject to the present rates of duty on 'newsprint'."

I have quoted this passage, because I think that read in conjunction with the other passage previously quoted it makes it pretty clear what the intention of the Board was, namely, that the "newsprint" commonly imported into India should never be subject to the protective duty, and that the percentage was fixed in such a manner as to leave a margin, so that there would be no danger of "newsprint" being rendered liable to the protective duty owing to the difficulty of making an accurate analysis. If I am right, Mr. President, in the inference I have drawn as to the original intention of the Board, and if I may fairly, as I think we may, assume, that it was the intention of the Legislature to give effect to the views of the Tariff Board on that point, then it follows at once that the law ought to be amended, for under the law as it is interpreted at present, a considerable amount of "newsprint" which is being imported into India is being held liable to the protective duty. Before passing from this point I should like to draw attention to a passage in the Report of the present Tariff Board. They make a comparison between the price of "newsprint" after it has paid the protective duty and the price of the paper which the Indian mills would sell in competition with the imported "newsprint". The figures are these. After it has paid the protective duty the price of imported "newsprint" is not more than Rs. 440 a ton (whereas the price of the Indian paper which might be sold in competition is Rs. 500 a ton). These figures make it clear, I think, that the imposition of the protective duty on certain classes of "newsprint" can serve no useful purpose. The only result would be that newspapers would either have to pay more for their paper, but still continue to import it, or they will use a lower quality of imported paper. Neither of these results is a desirable result.

I come now to the last of the three points embodied in this Bill and I will deal with it as briefly as I can. The definition of "writing paper" in the Tariff Schedule is as follows :

"Writing paper, all sorts, including ruled or printed forms and account and manuscript books and the binding thereof."

The reference to ruled or printed forms and account and manuscript books was inserted, because if they were omitted, there was a danger that certain kinds of writing paper might escape the protective duty and the protection given to the Indian industry might thereby be rendered ineffective. But it was not observed when these words were inserted that on certain kinds of ruled and printed forms and account and manuscript books, the protective duty of one anna a pound might not only be less but sometimes a great deal less than the revenue duty of 15 per cent., and the unintended result has been to occasion a loss of revenue to Government which, it is believed, cannot be much less than a lakh of rupees a year. Now, there is no reason at all why, because the paper industry is protected the duty on



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articles of this kind should be less than what it would have been if all paper was subject to ordinary revenue duty. For this reason it is proposed in the Bill that in future the duty on writing paper should be one anna per pound or 15 per cent. *ad valorem* whichever is higher. Thus, if the paper is a comparatively cheap paper and competes with Indian paper, it will be subject to the protective duty. If it is an expensive paper—and at present in India the really expensive kinds of paper are not made—then the paper will automatically pay at the ordinary revenue rate of 15 per cent.

I have tried, Mr. President, in what I have said, to cover most of the important points. I will only add that in asking the House to refer the Bill to a Select Committee, I ask them to affirm the general principle that the defect in the law by which the protective policy as regards the paper industry has been endangered should be put right. I do not ask them to come to any final decision as regards the other two points. They are clearly both of them Select Committee points and I do not ask for any final decision as regards them; but I do ask that the House should accept the general principle that the law regarding the protection of the bamboo paper industry should be brought into a state in which it really gives effect to the policy of Government.

Sir, I move the motion which stands in my name. (Applause.)

**Mr. President :** The question is :

“ That the Bill to amend the law relating to the fostering and development of the Bamboo Paper Industry in British India, be referred to a Select Committee consisting of Mr. Arthur Moore, Mr. N. C. Kelkar, Mr. K. C. Roy, Mr. K. C. Neogy, Mr. A. H. Ghuznavi, Mr. T. Prakasam, Pandit Nilakantha Das and the Mover; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be 3 and that the Committee be instructed to report on or before the 31st August, 1927.”

The motion was adopted.

## THE INDIAN DIVORCE (AMENDMENT) BILL.

**The Honourable Mr. J. Crerar (Home Member) :** Sir, I move that the Bill further to amend the Indian Divorce Act for a certain purpose, be taken into consideration.

This is a very limited measure and the explanation which has already been given by my predecessor at an earlier stage is one to which I have really very little to add. I will briefly remind the House what the purposes of this measure are.

Under the recently enacted Indian Colonial and Divorce Jurisdiction Act, rules have been passed in accordance with section 1 of that Act providing for the appointment in India of an officer to discharge the duties which in England are discharged by the King's Proctor. In so far as that Act is operative in respect of the appointment of such an officer in India it covers only the cases of British subjects domiciled in England or in Scotland. It is desirable that a similar provision should be made to permit of the appointment of an officer in India to deal with matrimonial

causes the parties to which are domiciled in India. That, Sir, is the brief and limited purpose of this Act. I move that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

**The Honourable Mr. J. Crerar :** Sir, I beg to move that the Bill be passed.

The motion was adopted.

## THE CODE OF CIVIL PROCEDURE (SECOND APPEALS) BILL.

**The Honourable Mr. J. Crerar** (Home Member) : Sir, I beg to Move that the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose (Amendment of Order XLII in the First Schedule), be referred to a Select Committee consisting of Mr. K. C. Neogy, Sir Hari Singh Gour, Mr. C. Duraiswamy Aiyangar, Mr. N. C. Kelkar, Dr. A. Suhrawardy, Mian Muhammad Shah Nawaz, Mr. R. T. F. Kirk, Munshi Iswar Saran, Mr. H. Tonkinson, and the Mover ; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

This Bill has already been before the House. It is a technical matter, the issue involved being really a very narrow one, and I do not propose to detain the House at any length in making this motion. I merely observe that one of the recommendations of the Civil Justice Committee was intended to restrain in the interests of the more rapid and equitable administration of justice, appeals to the High Court in cases where such appeals do not appear really necessary for the execution of justice. The present Bill is very much more restricted in scope. As Honourable Members will observe, it deals only with appeals from concurrent judgment of the lower Courts. I do not think I need add to what I have said. I make the motion standing in my name.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, among other things which my Honourable friend Mr. Crerar has received as a legacy from his predecessor in office, is a box of chocolates to be held in trust for Members of this House. It is a very expensive brand of chocolates, it cost us about 3 lakhs of rupees and was manufactured by that well-known firm of confectioners, the Civil Justice Committee. (Hear, hear.) The special instructions which Sir Alexander Muddiman must have given to his successor are, to be very careful about the distribution of these sweets ; not to give away too many at a time, so that the box might last as long as possible (Laughter), and the sweets are to be distributed only on special occasions. And to-day I think has